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General Assembly
Sixty-sixth session
Agenda item 36
The situation in the Middle East

Security Council
Sixty-seventh year

Identical letters dated 27 February 2012 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the position of Lebanon, in preparation for the comprehensive assessment that the Secretary-General will present in his forthcoming report on the implementation of Security Council resolution 1701 (2006) (see annex).

I should be grateful if you would have the present letter and its annex circulated as an official document of the sixty-sixth session of the General Assembly, under agenda item 36, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

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Annex to the identical letters dated 27 February 2012 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Position of Lebanon in preparation for the comprehensive assessment that will be presented by the Secretary-General in his forthcoming report on the implementation of Security Council resolution 1701 (2006)

In preparation for the comprehensive periodic assessment that will be presented by the Secretary-General in his forthcoming report on the implementation of Security Council resolution 1701 (2006), Lebanon wishes to stress that from the day resolution 1701 (2006) was adopted, Israel has failed to honour its obligation to implement it or to withdraw from all occupied Lebanese territory, and has persisted in violating on a daily basis both the provisions of the resolution and Lebanese sovereignty, thereby ensuring that no progress has been made in the implementation of resolution 1701 (2006) with respect to obliging Israel to withdraw from all Lebanese territory and cease its infractions. Lebanon would like to draw attention to the following:

1. Lebanon reiterates its commitment to resolution 1701 (2006) and calls on the international community to bring pressure to bear on Israel to fulfil its obligation to implement that resolution in full.

2. Since the last assessment, the Israeli army has continued to violate Lebanese sovereignty and all provisions of resolution 1701 (2006). Those violations include the following:

(a) During the reporting period, the Israeli enemy army continued to violate the sovereignty of Lebanese territory, airspace and territorial waters, committing 342 air violations, 79 land violations and 22 sea violations, bringing the number of violations committed by Israel since the adoption of resolution 1701 (2006) to some 9,611. Those violations flagrantly flout Lebanese sovereignty and the provisions of resolution 1701 (2006), which calls for full respect for the Blue Line. Lebanon therefore calls upon the international community to bring pressure to bear on Israel and oblige it to cease its daily violations of Lebanese sovereignty and to respect the international resolutions adopted by the United Nations. Lebanon absolutely rejects any attempt to link those violations to claims of arms smuggling: none of the Secretary-General's reports on the implementation of Security Council resolution 1701 (2006) has made any reference to indications that arms are being smuggled in the area of operations of the United Nations Interim Force in Lebanon (UNIFIL). Furthermore, all arms that have been seized are remnants of the war which Israel waged against Lebanon in the summer of 2006. It must again be underlined that the Lebanese Army and security apparatus have made no reports on incidents of arms smuggling since the date the Secretary-General submitted his last report on the implementation of resolution 1701 (2006) to the Security Council.

(b) Lebanon notes yet again that Israel constantly threatens Lebanon, most recently in the statement made on 22 February 2012 by the Prime Minister of Israel, Benjamin Netanyahu, in which he threatened to attack and destroy Lebanon, saying

that on the new world map there would be no State called Lebanon. Israel also conducts hostile activities north of the Blue Line, deep within Lebanese territory, in flagrant violation of resolution 1701 (2006). The most blatant of those activities was the installation of the spying networks that were uncovered in recent months, which were working in Lebanese territory on behalf of Israel. Furthermore, on 29 November 2011, Israel fired four mortar rounds into the Lebanese territory between the towns of Rumaysh and Hanin, and on 2 December 2011 it blew up the spying apparatus which it had earlier put in position inside Lebanese territory, in Wadi al-Ghar on the outskirts of the towns of Dayr Kifa and Srifa.

(c) UNIFIL continues to exert all possible efforts to ensure the complete withdrawal of Israeli forces from the area known as B14, namely, the Lebanese part of the village of Ghajar and the uninhabited area adjacent to it, and the Lebanese Government continues to cooperate with the Force towards that objective. Despite those efforts, the Israeli army continues to occupy the aforementioned area and to prevent the Lebanese Army from using the SD1 road adjoining that area, despite the fact that the Lebanese Army has agreed to the security arrangements proposed by UNIFIL with respect to that road. That represents a flagrant contravention of the obligation of the Israeli enemy army under resolution 1701 (2006) to withdraw immediately and unconditionally behind the Blue Line. Israel's procrastination with respect to withdrawal from the area known as B14 indicates that it has no desire to comply with resolution 1701 (2006), and leads us to wonder just how serious Israel is about compliance with the resolution and the extent to which the Security Council is able to compel Israel to end that occupation. The international community should take action to ensure that Israel withdraws as soon as possible from the Lebanese part of the village of Ghajar and the whole of area B14, particularly as Israel continues to procrastinate. However, that Israeli withdrawal does not represent a concession, but is one of the core provisions of resolution 1701 (2006).

(d) The continued occupation by Israel of the Lebanese Kafr Shuba hills and Shab'a Farms constitutes a threat to stability and security all along the borders, as well as a violation of Security Council resolutions 425 (1978) and 1701 (2006). Lebanon demands that Israel should completely and unconditionally withdraw from those areas and thereby fully resolve the issue. Lebanon urges the Secretary-General of the United Nations to intensify his efforts to ensure that Israel withdraws from that territory.

(e) Once again, Lebanon reminds the international community that the maps that the Lebanese side received from Israel relating to cluster bombs are incomplete and imprecise. Israel dropped those bombs at random on civilian areas, and they have caused the death or injury of more than 408 persons, including 51 fatalities and 357 injured and disabled. Lebanon yet again underlines the fact that the Government of Lebanon has its doubts about the precision of the maps that it has received from Israel, and has asked for information regarding the dates on which the cluster bombs that were used during the Israeli raids were dropped, together with the quantity and type of those bombs. The Lebanese Army has asked for aerial photographs or video footage of the targeted areas before and after the bombardments. Many Lebanese citizens have died as the criminal outcome of unexploded ordnance and the cluster bombs that have been used by Israel during its attacks or Lebanon, in addition to the numerous crimes that Israel has perpetrated against Lebanon and its citizens. Israel bears complete responsibility for those crimes and should pay appropriate compensation. Lebanon urges the United Nations and donor countries to continue to

address that issue, in order to protect the lives of innocent civilians, and calls for the Lebanon Mine Action Centre to be granted the necessary financial resources to enable it to carry out its mandate.

(f) The Israeli army has continued to use launches to carry out illegal patrols inside Lebanese territorial waters, close to what is known as the "line of buoys" that Israel positioned unilaterally and illegally inside Lebanese territorial waters. Israel fraudulently claims that the aforesaid line approximates the southern borders of Lebanese territorial waters. The Israeli army has also continued to fire warning shots and throw hand grenades at Lebanese fishing vessels, and systematically detonates explosive devices close to the aforementioned Israeli line, inside Lebanese territorial waters. In the twelfth report of the Secretary-General on the implementation of Security Council resolution 1701 (2006) (S/2010/105), paragraph 29, concern was expressed that such incidents contribute to increasing tension between the parties. Lebanon reiterates that it does not recognize any line that has been imposed unilaterally and considers the Israeli measures to be further violations of Lebanese sovereignty and resolution 1701 (2006). Lebanon therefore further requests the United Nations to authorize UNIFIL to put in position in the correct place a line of buoys that is in keeping with international standards.

3. Lebanon reasserts its position with regard to the delineation of its southern and south-western maritime borders, which it has expressed by depositing with the United Nations maps that include the following:

- A map that delineates the southern maritime border with occupied Palestine of Lebanon's exclusive economic zone and sets forth the geographical coordinates of that border, that were positioned in accordance with international standards.
- Two maps relating to the south-western borders of Lebanon's exclusive economic zone, with tables that set forth the geographical coordinates of those borders.

Furthermore, two letters on this matter were addressed to the Secretary-General on 4 January 2011 and 17 February 2011, in which the Secretary-General was requested to call upon UNIFIL to undertake the delineation of a maritime security border, along the lines of the Blue Line on land, that conforms to the southern and south-western borders of Lebanese territorial waters and of Lebanon's exclusive economic zone. That would be in keeping with the role played by UNIFIL in determining the Blue Line.

In letters to the United Nations Secretary-General dated 20 June 2011 and 3 September 2011, Lebanon expressed its objection, respectively, to the agreement signed by Cyprus and Israel, and to the coordinates which Israel deposited with the United Nations with regard to its exclusive economic zone.

4. The Lebanese Army is continuing to strengthen field and strategic cooperation with UNIFIL.

(a) The continuing coordination between the Lebanese Army and UNIFIL is particularly evident in their joint patrols, joint checkpoints and joint military training operations and exercises. The Lebanese Army ensures the security of UNIFIL convoys travelling to and from Beirut by accompanying those convoys and taking heightened security measures along the road.

(b) Lebanon is following the strategic dialogue and the strategic review of UNIFIL operations and does not believe that the dialogue should lead to any change in the UNIFIL mandate or rules of engagement. In view of the fact that there has been a cessation of hostilities since 2006 but that there has been no movement towards a permanent ceasefire as provided for in resolution 1701 (2006), Lebanon asks that there should be no reduction in the size or strength of UNIFIL.

(c) Israel's claim that weapons are being stockpiled and military installations established in densely populated civilian areas in South Lebanon bears no relation to the truth, and is designed to facilitate the targeting by Israel of innocent Lebanese civilians and justify their slaughter and terrorization, regardless of the fact that all international instruments and, in particular, those of international humanitarian law, outlaw and criminalize the targeting of civilians.

(d) Lebanon continues to participate in tripartite meetings that are held with a view to maintaining peace along the Blue Line. Those meetings are the appropriate place in which to address the latest issues regarding the removal of causes of tension and maintaining the peace in the UNIFIL area of operations and up to the Blue Line. Israel's persistence in resorting to unilateral measures undermines those tripartite meetings and the role of UNIFIL in maintaining the peace in its area of operations. Furthermore, those unilateral measures are intended to raise doubt as to the capacity of the Lebanese armed forces to defend the sovereignty of all Lebanese territory, contrary to the spirit of resolution 1701 (2006).

(e) With respect to the positioning of markers along the Blue Line, Lebanon affirms yet again the agreement that was reached at the tripartite meeting with a view to making progress in and accelerating that operation. Israeli procrastination in that regard raises doubts as to its real intentions. Lebanon, while reaffirming its respect for the Blue Line, stresses that it is a line of withdrawal, not a border line, and urges the United Nations not to permit Israel to exploit that Line and occupy new areas of Lebanon and, in particular, those 13 regions with respect to which Lebanon maintains a claim. It requests that an international observation group should become operational, with a view to reporting any violations of the Armistice line, as was provided for in the specific original mandate set forth in Security Council resolution 128 (1958) dated 11 June 1958, and in keeping with resolution 1701 (2006), paragraph 5.

5. Lebanon stresses the importance of strengthening and raising the level of international assistance in building the capacities of the Lebanese Army and security forces, thereby enabling them to impose peace and security, in accordance with the text of resolution 1701 (2006), and preparing them to perform their duty to defend Lebanese sovereignty and protect the Lebanese people. The Lebanese Army needs reinforcements of arms and ammunition and to acquire more modern means of surveillance and up-to-date communications equipment. It also requires training in the use of all such equipment and apparatus. Currently, the Lebanese Army, in partnership with UNIFIL and in the framework of the strategic dialogue with the Force, is preparing a draft that will specify the requirements that will enable it to gradually take over responsibilities from UNIFIL.

6. At the economic level, we once more support the call that is made to the international community in resolution 1701 (2006) to extend more of the assistance that is necessary for the reconstruction and development of Lebanon. In that connection, we urge States that took part in the Stockholm Conference, Paris III and

the Vienna Conference to honour their commitments. Lebanon greatly appreciates all economic and social programmes and humanitarian assistance that UNIFIL provides to the Lebanese people in its area of operations, including projects that have an immediate impact and emergency medical services.

7. If stability and security are to be enhanced, a move must be made from a situation of cessation of hostilities towards a situation of permanent ceasefire.

United Nations A/66/726

General Assembly

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5 March 2012

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Sixty-sixth session
Agenda item 134
Programme budget for the biennium 2012-2013

Letter dated 1 February 2012 from the President of the International Court of Justice addressed to the President of the General Assembly

I take this opportunity to communicate to you herewith a paper setting out the comments and concerns of the International Court of Justice with regard to the report of the Secretary-General concerning the comprehensive review of the pension schemes for the members of the International Court of Justice and judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/66/617). We have been in communication with the Secretariat to draw its attention to these points, which are in our view important to the United Nations as a whole from an institutional point of view.

Given the fact that the views of the Court have not been adequately reflected in the final version of the document, I have ventured to suggest that you will be kind enough to ensure that the enclosed document is duly examined by the Fifth Committee and that the Court's concerns and reservations be given due and proper consideration in the course of the review by the Assembly of the Secretary-General's report on the pension scheme for members of the Court.

For this reason, I have asked the Secretariat to have this paper circulated in the name of the International Court of Justice as a document of the General Assembly to all members of the Assembly.

(*Signed*) Hisashi **Owada**
President of the International Court of Justice

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Annex

[Original: English and French]

Observations and concerns of the International Court of Justice with regard to the report of the Secretary-General concerning the comprehensive review of the pension schemes for the members of the International Court of Justice and judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

Summary

- Impending closure of Tribunals, hence only judges of the International Court of Justice affected — inapplicability of new scheme to serving International Court of Justice judges, therefore concerns only future judges — limited numbers involved.
- Sui generis nature of Court's mission under Charter of the United Nations — settlement of disputes between sovereign and equal States — essential for proper administration of international justice that all judges and legal systems enjoy complete equality of treatment — any adaptation of the pension scheme requires the greatest care.
- Single nine-year term has always constituted autonomous career — taking account of prior employment is open to risk of interference by States — threat to Court's independence — consideration of previous employment also potentially discriminatory — could further discourage candidacy of most highly qualified individuals — Secretary-General has previously expressed himself against consideration of previous employment.
- Irrelevance of situation of judges of other international and national courts and tribunals, as well as of United Nations officials — limited employment possibilities for former Court members — similarities with situation of United Nations Secretary-General.
- Defined-benefit scheme (Option A) — for single-term judge, income replacement level would fall from 50 per cent to 33 per cent — single term always regarded as a full career — placing single-term judges at an even greater disadvantage than at present could adversely effect rotation of the Bench and Court's universal character — interference with system established since 1920.
- Defined-contribution scheme (Option B) — details unclear — unjustified investment assumptions — excessive administration costs — essential that basic principle of non-contribution remain unaffected.
- Lump-sum payment (Option C) — amounts to commutation of pension rights — challenge to established right of judges to receive a pension — incompatibility with Article 32(7) of Court Statute.

- Possibility of "tailoring" pensions of individual judges to take account of acquired pension rights and assets raises serious issues of principle and practice — novel approach, ignores basic principle of equal pay for equal work — privacy issues — complex and costly to administer.
- Conclusion — need to balance disadvantages of proposals to integrity of Statute and efficient functioning of Court against minimal savings envisaged.

I. Background

1. In accordance with General Assembly resolution 65/258, the Secretary-General has prepared a report on the comprehensive review of the pension schemes for the members of the International Court of Justice and judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and submitted it to the General Assembly for consideration at the current, sixty-sixth session.

2. Some of the proposals made in the report raise concerns for the Court as to the integrity of its Statute and the status of its members. In order to assist the Assembly in taking the relevant decisions, the Court is pleased to submit a short paper explaining its institutional concerns.

II. Applicability of a new pension scheme

3. The Court would like to begin by drawing the attention of the Assembly to an important point: given the impending closure of the two Tribunals, the proposals in the report would effectively relate solely to members of the International Court of Justice. Under Article 32 of the Court's Statute, the pensions of sitting members of the Court may not be decreased during their term of office. Therefore, as the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions stressed in their respective reports on the matter to the sixty-fifth session,[1] the proposed change, if approved, could not impact upon the pensions of serving or retired judges, who would remain unaffected, with their entitlements continuing on the basis of the existing conditions of service. Hence, the only persons to whom the new scheme would apply would be future judges of the International Court of Justice. Given past and current patterns of rotation, this would be a very limited number of individuals, resulting in correspondingly limited savings to the Organization.

III. Equality of members of the Court

4. When envisaging a new pension scheme, it is essential to maintain sight of the Court's sui generis nature and mission under the Charter of the United Nations, and the constitutional status of its members. It is of fundamental importance for the principal judicial organ of the United Nations, which has to deal with disputes between sovereign States, that strict equality of treatment of all judges on the Bench be guaranteed. Equality between the judges of the Court, as well as between the main forms of civilization and between the principal legal systems of the world that they represent, is a fundamental principle underlying the Statute of the Court. It is therefore absolutely essential for the proper administration of international justice that sovereign States should be assured that the judges they have chosen are sitting on terms of complete equality with the other members of the Court. That is a principle fundamental to ensuring that the sovereign equality of States, which underlies the current international legal system, is also guaranteed in judicial proceedings between them.

[1] See A/65/134 and Corr.1 and A/65/533.

5. The need for equality is not confined to strictly judicial aspects, but also applies to conditions of employment, including salaries and pensions. While the Court appreciates that there may indeed be reasons to adapt pension schemes to changing circumstances over time and that it may not be possible permanently to maintain a pension scheme in a particular form, it is essential that such adaptations do not affect in substance the fundamental principle that all judges should be treated equally.

IV. Nine-year autonomous career and independence of members of the Court

6. In its discussion of the various options, the report effectively — and far more drastically than is now the case — places single-term judges at a disadvantage in relation to those elected to serve a second or further term (see further, para. 18 below). The report seeks to justify this distinction by proposing to take account of judges' previous professional careers and of any pension benefits deriving therefrom. However, membership of the Court is a unique elective position, whose term of nine years has always been treated as an autonomous career. A pension scheme designed to take into consideration prior employments of the members of the Court would face major legal and practical difficulties, and could impede the proper functioning of the institution.

7. The absolute independence expected of the members of the Court (see Article 2 of the Statute of the Court) implies that their previous professional careers cannot be directly linked to their mandate at the Court. Any pension scheme that took account of prior national income and corresponding national pensions would be open to the risk of interference by States through decisions affecting such incomes and pensions, thus directly jeopardizing the institution's independence.

8. Furthermore, establishing a link between the members of the Court and their previous careers would be discriminatory, as the treatment of individuals, even those appointed to the highest offices, varies greatly among the States Members of the United Nations.

9. This could also dissuade candidates from certain countries from standing for election to the Court, notwithstanding the fact that members of the Court should be elected regardless of their nationality. In view of the exceptional nature of the qualifications and experience required to serve at the Court, any measure which might discourage the most highly qualified individuals from standing for election could seriously affect the quality of the institution's judicial work.

10. The Court further notes that, in a previous report, the Secretary-General, in addition to his support for the principle that members of the Court should not contribute to their pension scheme, also took the view that the prior employment of members of the Court should not be taken into consideration in establishing the level of income replacement for their pensions.[2]

[2] A/C.5/50/18.

V. Comparison with other pension schemes

11. Both in the body of the text and in annex II, the report draws a comparison between the pensions of members of the International Court of Justice and members of other international or national courts and tribunals, as well as those of United Nations officials. However, such a comparison is misleading. There is a fundamental difference in the situation of members of the International Court of Justice, who have the specific and unique task of adjudicating upon disputes between sovereign States on any point of international law, and at a universal level.

12. Judges of the International Court of Justice are not officials of the Secretariat, and the General Assembly, recalling that the International Court of Justice is the principal judicial organ of the United Nations, has constantly reaffirmed the principle that the conditions of service and compensation of judges of the Court must be separate and distinct from those of Secretariat officials (resolution 61/262 of 4 April 2007). Resolution 65/258 itself, in paragraph 2, reaffirmed that this principle should govern the Secretary-General's report.

13. Rather, a comparison with the Secretary-General of the United Nations would be more realistic, due to a certain analogy as regards the pension situation of members of the Court and the Secretary-General, on which the General Assembly based itself in establishing the pension plan for Members of the Court, in particular the fact that it is difficult — and seldom appropriate — for retired Members of the Court to resume their previous careers, or indeed to take up any new post.[3]

14. The Court would further point out that, under Practice Direction VIII of the Court, a Member of the Court may not engage in judicial activities as agent, counsel or advocate in a case before the Court during a three-year period following separation from the Court. And indeed, even beyond the mandatory three-year pause, it may be problematic for former Court members, in particular for reasons of confidentiality and professional ethics, to undertake any such activities. Similar difficulties may even arise in relation to advocacy before other judicial bodies. This greatly limits employment possibilities for former members of the Court.

15. Furthermore, comparison with judges in domestic systems or regional organizations is of limited interest, given the wide differences of context in which these respective functions are exercised. Moreover, the greatest care should be exercised when comparing income replacements, because the actual salaries to which they apply differ very widely.

VI. Proposed pension scheme options

16. Further to these general considerations, which are relevant to any pension scheme applicable to the members of the Court, the Court would also like to make some comments on specific issues relating to each of the options for modification of the current pension scheme of members of the Court that are presented in the report.

17. Regarding the defined-benefit scheme (Option A), the Court would recall that, since 1960, the General Assembly, the Court and the Secretariat have accepted that a

[3] Memorandum of the Registrar of the Court dated 13 June 1946, appendix A to the report of the Secretary-General (A/110).

pension amounting to half of the salary of the members of the Court, after a full statutory term of nine years, represented a reasonable replacement income, in view of the specific nature of their judicial function. By contrast, the defined-benefit scheme, which is presented today by the actuary as "an appropriate retirement benefit scheme for new members of the Court" in paragraph 57 of the report, would result in a significant decrease in the pension of a member of the Court after a full term of nine years. In fact, at the end of such a nine-year term, as fixed by the Statute of the Court (Article 13, paragraph 1), the proposed pension scheme would result in a fall in the income replacement level from 50 per cent to 33 per cent.

18. The Court takes this opportunity to recall once again that, pursuant to Article 9 of its Statute, the Court should represent "the main forms of civilization and ... the principal legal systems of the world". The proposed defined-benefit scheme would, far more drastically than it does now, favour judges serving for two terms, or 18 years; at the same time, it would seriously reduce the relevance of the term of nine years which, according to Article 13, paragraph 1, of the Statute, constitutes a career at the Court. This could have adverse consequences for the rotation of the Bench and, in the long term, for the universal character of the Court. It would be inappropriate to interfere with this system, which was established in 1920 and ensures the very existence of the Court.

19. The defined-contribution scheme (Option B) as presented is not particularly clear. As it stands, it is merely based on a general assumption related to investments. Furthermore, the way in which such a pension scheme might be implemented, and the corresponding costs, remain unclear. As the report points out in paragraphs 45 and 47, a defined-contribution scheme would face administrative challenges. The Finance Division of the Registry has very limited resources and could not be responsible for the administration of such a scheme, still less select investments for the benefit of the members of the Court. It would have been interesting to receive calculations of the administrative costs of Option B and to balance these against the limited number of individuals whose pensions would be managed. Moreover, it is obvious that, in such a scheme, the related rights of spouses and dependent children are made more vulnerable.

20. With respect to any such proposal, it is essential that the rationale behind the non-contributory nature of the pensions of members of the International Court of Justice be properly explained, and any proposed change to the pension scheme should take into account the underlying principles justifying its non-contributory nature. It might be useful to recall that the principle of the non-contributory nature of the pensions of the members of the Court was already firmly established under the auspices of the League of Nations, and has been consistently reaffirmed since then. It was linked to the principle, recognized by the Assembly of the League of Nations, of a right to a pension for the members of the Court. The Court further recalls that in 1946, the General Assembly reaffirmed, in its resolution 86 (I) of 11 December 1946, that the costs of pensions of members of the Court were to be borne entirely by the United Nations, that is to say, members of the Court would not have to contribute to the pension fund of the Organization.

21. The report further proposes (Option C) a system based on payment of a cash lump-sum in lieu of a defined pension contribution scheme. This amounts in practice to commutation of the judge's pension in return for a capital payment, with all the uncertainties and imponderables which that involves in terms of future

income. The right of members of the Court to a pension producing a guaranteed income has been recognized since the era of the League of Nations, and has never been challenged. The report rightly points out, in paragraph 52, that the adoption of such a scheme would be difficult to reconcile with Article 32, paragraph 7, of the Statute of the Court. The withdrawal of this right would not only affect the judges directly, but also their spouses and dependent children, whose related rights would also disappear.

22. Furthermore, any attempt to adapt the pension scheme for each individual member of the Court in order to take into account previous assets and acquired pension rights from employment prior to joining the Court would raise a number of other problems, both of principle and in practice. In the first place, such a personalized, "tailor-made" approach to pensions would be a complete novelty in the pension scheme for members of the Court and probably in pension schemes of most other courts, as well as within the United Nations. It would ignore such basic principles as equal pay for equal work and would raise difficult issues of distinguishing between what is considered as "pension" and what is considered as "retirement investment" prompted by tax and other incentives.

23. Over and above these questions of principle, there are privacy issues at stake in asking members of the Court if and how they have invested their money in order to build up their pension rights and other assets during past service. Moreover, national pension schemes vary greatly from country to country and it would be very difficult, if not impossible, to obtain precise information about the amount of national pension a member of the Court would receive upon retirement. Even if judges were to be completely forthcoming in providing such information and it were possible in practice to design a pension scheme based on judges' acquired pension rights and assets, it would be complex and costly to administer, requiring additional capacity which the Court currently does not have. There is a real risk that the additional administrative costs would outweigh any savings in the cost of pensions.

VII. Conclusion

24. The Court would kindly ask the General Assembly, in considering its decision on a new pension scheme, to carefully balance, on the one hand, the disadvantages in terms of the integrity of the constitutional status of the Court and its members, as well as the attractiveness and long-term efficiency of the principal judicial organ of the United Nations, against, on the other hand, the savings envisaged, which in this case would be minimal, given the very small number of persons actually concerned.

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General Assembly

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Sixty-sixth session
Agenda items 19 and 27

Sustainable development

Social development

Letter dated 29 February 2012 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to convey to you information on the international conference on fostering a well educated and intellectually advanced generation in Uzbekistan as the key factor for sustainable development (see annex).

I would highly appreciate it if you would circulate the attached information as a document of the General Assembly, under agenda items 19 and 27.

(*Signed*) Murad **Askarov**
Permanent Representative of the Republic of Uzbekistan

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Annex to the letter dated 29 February 2012 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

The Harmoniously Developed Generation — a decisive force in national sustainable development

At the initiative of President Islam Karimov, an international conference on fostering a well educated and intellectually advanced generation as the key factor for sustainable development and modernization in Uzbekistan was held in Tashkent on 17 February 2012.

The event was attended by some 1,000 representatives of major international organizations and financial institutions, including the United Nations, the Asian Development Bank, the World Bank and the Islamic Development Bank, as well as senior education system officials and scientists and specialists from 48 countries worldwide including the United Kingdom, Germany, Italy, China, the United States of America, South Korea, Japan and Russia.

Since independence, Uzbekistan has chosen its own path for development — a path of fundamental reforms directed towards the construction of a democratic State, a socially oriented market economy and a robust civil society. Fostering a harmoniously developed generation of physically, spiritually and intellectually healthy and well-rounded youth has become a key priority of post-independence policy.

In his statement at the opening of the international event, President Karimov emphasized that the achievement of the noble goals placed before the people of Uzbekistan, namely the country's future, its well-being, prosperity and the place it will occupy in the international community in the twenty-first century, depends first and foremost on the new generation, on what sort of people our children become.

In the light of these tasks, which derive from the demands of the country's democratic and market transformations, there has been fundamental reform of the education and vocational training systems. The development of a legislative framework has provided a sound basis for this process. As the Constitution of the Republic of Uzbekistan asserts the right of every individual to an education, the State guarantees free general education. A new stage of fundamental reform in this crucial sphere began with the adoption of an Education Act and a national training programme. Education in Uzbekistan was proclaimed by law to be a priority area for development, satisfying the economic, social, scientific, technological and cultural demands of the individual, society and the State.

In his address, Haruhiko Kuroda, President of the Asian Development Bank, praised the success of Uzbekistan's social and human development. Rational and timely investment in education produces economic growth and benefits society. The Uzbek model of education takes account of the demands of globalization and ensures that Uzbekistan has an increasingly important role in Asia and the world.

The main distinguishing features of the national programme are its cohesion and its integrated approach, in which the individual, society, the State, continuing

education, science and industry are all part of a single process. The goals of the programme are step-by-step improvement of the education system as a unified structure geared towards producing highly qualified, competitive workers for all economic sectors and spheres of life; effective integration of education, science, industry and the spiritual and moral guidance of youth in keeping with national and universal values; and mutually beneficial international cooperation in training.

Such large-scale challenges are clearly impossible to meet unless the country has sustainable economic development, and unless the individual and the individual's interests are placed first, not just in word, but in deed. In the last five years, Uzbekistan's gross domestic product has grown at an average of 8.5 per cent. This places Uzbekistan among the most dynamically developing economies in the world and enables it to devote an ever-larger amount of resources to the social sphere, including education. Currently, approximately 60 per cent of State budget spending is directed towards these goals.

Detailed information on the national education model and fostering a harmoniously developed young generation was presented at a plenary meeting of the Conference. Implementation of the model involved a fundamental transformation of education not only in form, but in essence, to introduce continuing education. The system thus currently consists of preschool, nine-year general primary/secondary, three-year specialized secondary and vocational, higher and postgraduate education, as well as refresher courses and retraining. Extra-curricular education is also included.

A total of 9,779 general education schools are currently operating in Uzbekistan. Over 8,500 schools, predominantly rural, were built and extensively renovated as part of the State nationwide programme to develop education for 2004-2009; to these ends, 1.4 trillion sum were spent. Efforts to strengthen the material and technical resources of schools are under way, and as a result, urban and rural schoolchildren have been provided with identical conditions. All schools are provided with modern learning equipment, computer classes are held and approximately 96 per cent of schools nationwide are connected to the *ZiyoNet* electronic information network.

Uzbekistan was a leader in transitioning to a system of 12-year compulsory education. The establishment of a specialized secondary and vocational system of education was primarily a response to the country's economic demands, oriented towards competitive production and requiring that youth, having received a basic school education, enter the workforce prepared, specialized and aware of the basic elements of the production process. This task is successfully being accomplished by colleges where young men and women not only develop their knowledge of general disciplines, but promptly acquire trades sought after in the job market. Academic high schools are also important in enabling students, while continuing their general education, to study specific disciplines in greater depth, with an academic perspective. Upon completion of such studies, young specialists possess sufficient levels of knowledge to enter higher education institutions and continue the study of their chosen specialization.

Uzbekistan currently has 1,396 vocational colleges and 141 academic high schools. It is worth noting that such educational institutions can be found even in the most remote regions of the country. Scientific and vocational facilities and laboratories are supplied with modern equipment. Approximately 1.7 million young

men and women are currently studying in these educational institutions. A national classifier of 86 areas of training, 225 professions and 578 specializations sought after in various economic sectors has been developed. Vocational colleges are sponsored by leading industrial national enterprises, which participate in training young professionals to work for them.

State educational standards, academic curriculums — including curriculums using multimedia teaching — and textbooks are developed and put into use for every level of education in Uzbekistan, with care taken to ensure that they are appropriate to current demands. Advanced teaching technology and interactive methods of education are widely used. Every educational institution has its own information and resource centre containing a large assortment of educational literature, including literature in electronic form. Thus, the necessary conditions for acquiring quality, in-depth and all-round knowledge are provided.

Higher education has undergone fundamental reform, with the introduction of a two-tiered structure with bachelor's and master's degrees. Uzbekistan currently has 59 institutions of higher education, 11 regional branches of Tashkent higher education establishments and six branches of leading foreign higher education establishments.

The focus of the national education model on producing well-qualified individuals has been validated by the existence of fruitful international collaboration. The Westminster International University in Tashkent, the Turin Polytechnic University, the Management Development Institute of Singapore, as well as branches of the Lomonosov Moscow State University, the Plekhanov Russian University of Economics and the Gubkin Russian State University of Oil and Gas are producing specialist graduates. The practice of establishing joint faculties and departments with foreign partners is being extended to include the advanced study of foreign languages.

National institutions of higher education are making efforts to integrate education, science and industry. Students, sometimes commissioned by enterprises, are actively participating in academic research and conducting innovative work, the results of which are in demand, as their regular presence at annual fairs exhibiting new technology and high-technology items demonstrates. At the 2011 national fair of innovative ideas, technologies and projects alone, contracts to a value of 3.58 billion sum were signed in connection with the technological research and products developed in institutions of higher education.

Close, mutually beneficial ties have been established with scientific research institutions which steer students towards essential research. This promotes the training of young scientists. At the initiative of the President of Uzbekistan, research and education laboratory facilities for long-term advancement in the key areas of science, engineering and technology are being established within the leading institutions of higher education, with the involvement of the Academy of Sciences of Uzbekistan.

The structure for postgraduate studies is actively being developed. Institutions of higher education have approximately 30 specialized committees to hear the defence of pre-doctoral dissertations in 70 fields and doctoral theses in 37 fields.

An important factor in the long-term development of the education system in Uzbekistan is the 2011-2016 programme for modernizing the material and technical

resources of institutions of higher education and significantly improving the quality of specialist training, established by Presidential Decree. It consists of a series of targeted measures, including the construction, or redesigning and fitting-out of buildings of institutions of higher education, the installation of new modern laboratories, optimizing training and improving education standards.

Spiritual and moral guidance plays an integral role in the harmonious development of the young generation. It is targeted at instilling in young men and women a sense of patriotism, a modern world outlook and a sense of the primacy of national and universal values and the aspiration to help their country.

An essential part of the upbringing of children and youth is active participation in sports, which not only improves health, but builds character, determination and the ability to overcome difficulties. A three-tier system of annual competitions has been established. The *Umid nikhollari* for schools, the *Barkamol Avlod* for students of academic high schools and colleges, and the Universiade (student games). All educational institutions, including those in rural areas, have sports halls and sports centres.

In the years covered by the national professional training programme, competitors from Uzbek schools earned 157 medals, including 29 gold medals, at the international Academic Olympics. Many students of Uzbek institutions of higher education are champions in various disciplines of the International Olympiads. The number of young musicians and artists winning various prestigious international competitions is growing. Young athletes are bringing triumph to their homeland in increasing numbers at the Olympic Games, international and continental championships and other competitions.

Many authoritative international organizations and financial institutions are involved in developing the new training system used in Uzbekistan. A number of large-scale joint projects in all fields of education are being undertaken. One example of this is the large print runs of some 90 titles of teaching material for schools, academic high schools and colleges, as part of investment projects by the Asian Development Bank, the German bank KfW and the Uzbek-Swiss project for the development of professional skills.

In their addresses to the conference, the representative of UN-Women, Noeleen Heyzer, the Rector of the University of Westminster (Great Britain) Geoffrey Petts, the Rector of the Lomonosov Moscow State University, Viktor Sadovnichiy, the President of the Islamic Development Bank, Ahmad Mohamed Ali, the Associate Provost of Webster University (United States of America), Nancy Hellerud, the President of the Management Development Institute of Singapore, Eric Kuan, the President of Hosei University (Japan), Toshio Masuda, the World Bank Director for Strategy and Operations in Europe and Central Asia, Theodore Ahlers and others noted that education is seen as a major factor of progress in the modern world and praised the fundamental reforms undertaken in Uzbekistan in this sphere. Successive reforms undertaken in the country's education system will make a substantial contribution to achieving the Millennium Development Goals.

At the close of its work, the international conference adopted an outcome document containing its recommendations.

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The situation in Afghanistan and its implication for international peace and security

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 66/13 and Security Council resolution 1974 (2011), in which the Council requested me to report on developments in Afghanistan every three months.

2. The report provides an update on the activities of the United Nations in Afghanistan, including significant humanitarian, development and human rights efforts, since my previous report issued on 13 December 2011 (A/66/604-S/2011/772). It also provides a summary of key political and security developments and regional and international events related to Afghanistan. Section IV of the report (Observations) addresses the comprehensive review of the mandated activities of the United Nations Assistance Mission in Afghanistan (UNAMA) and United Nations support in Afghanistan requested by the Security Council in its resolution 1974 (2011). The annex contains an assessment of progress towards benchmarks and indicators since my report of 9 March 2011 (A/65/783-S/2011/120), in line with Security Council resolution 1868 (2009).

II. Relevant developments

A. Political developments

3. Throughout the period following the Bonn Conference of 5 December 2011, the political debate in Afghanistan was dominated by how best to approach a potential peace process. Discussion both inside and outside Afghanistan focused increasingly on ways to reinvigorate efforts that had previously been fragmented or stalled. More specifically, the discourse was dominated by the possible

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establishment of a Taliban office to facilitate dialogue and its location, potentially in Qatar.

4. On 15 December, it was agreed at a meeting between President Karzai and prominent national figures that a practical mechanism to engage the armed opposition was required; it was also emphasized that any peace process must be led and owned by the Afghans. They backed proposals to establish a Taliban office, but indicated a preference that it be located in Afghanistan, Saudi Arabia or Turkey. On 20 December 2011, the Government of Afghanistan circulated to diplomatic missions an 11-point statement setting out its conditions for such interaction and emphasizing that the gains of the past 10 years must not be lost.

5. On 3 January 2012, it was announced in a written statement attributable to the Taliban that the group was prepared to establish a political office in order to "come to an understanding with other nations"; the statement also noted an "initial agreement with Qatar and other related sides". In an address to both houses of the National Assembly on 21 January, President Karzai called for Afghans fighting the Government to lay down their arms. He expressed support for Qatar as the base for a Taliban office, stating that he was doing so to avoid any pretext that might prolong war. He again reiterated the need for the Government to lead the peace process and announced that he had recently met with a delegation representing the Hezb-e Islami party led by Gulbuddin Hekmatyar and hoped such discussions would continue. On 15 February, President Karzai confirmed to the media that his Government had engaged in talks with the Taliban — a claim rejected in a statement attributable to the Taliban — and on 21 February, he endorsed the opening of a Taliban office in Qatar, affirming that the peace process was his Government's first priority.

6. On 17 February, the third trilateral summit among President Karzai, President Ahmadinejad and President Zardari was held in Islamabad. The resulting joint statement underlined the full support of the Islamic Republic of Iran and Pakistan for an Afghan-led and Afghan-owned inclusive peace process.

7. Progress continued on the implementation of the Afghanistan Peace and Reintegration Programme with the technical support of the United Nations Development Programme (UNDP). Reports indicate that provincial peace committees and local authorities increased outreach activities following the Traditional Loya Jirga in November 2011, which had reinvigorated such efforts. According to the joint secretariat of the Afghanistan Peace and Reintegration Programme as at mid-February, 3,825 ex-combatants had been formally enrolled in the Programme. Discussions were reported with representatives of armed groups, thought to represent an additional 825 combatants, who had expressed an interest in reconciling but had yet to participate in the process. The joint secretariat also reported informal undertakings to stop fighting by groups who were not prepared to register with the Programme. The reintegration of the first groups from Kabul and Zabul Provinces, as well as large groups from Badghis, Baghlan and Kandahar, is particularly noteworthy. Initial assessments indicate security improvements in some areas, with a high level of reintegration, although concerns persist about the eligibility of a number of the groups that have been accepted into the Programme.

8. On 19 December 2011, following their appointment by President Karzai, five members of the Independent Election Commission were sworn in. The terms of the incumbents, Momina Yari and Muhammad Gurziwani, were renewed and the following three new commissioners were appointed: Dastagir Azad, former

Governor of Nimroz Province; Hashem Folad, previously Member of Parliament for Nangarhar Province; and Rida Azimi, an ex-senator from Parwan Province. The terms of Chairman Fazal Manawi and Abdul Pashaye continue until early 2013. The President's sole discretionary power over appointments to the Commission has fuelled fears among some opposition groups regarding its impartiality in future elections. Also in December, the Commission and UNDP signed ELECT II (Legal and Electoral Capacity for Tomorrow, second phase), a two-year electoral assistance project focused primarily on continued capacity-building and the strengthening of the Commission.

9. In his speech opening the sixteenth session of the National Assembly on 21 January 2012, President Karzai outlined the Government's achievements in the past year, highlighting progress in the health and education sectors. The two Members of Parliament killed in the past year, Hashim Watanwal (Uruzgan Province) and Mutaleb Bek (Takhar Province) were remembered, along with 47 other senior Afghan officials and community leaders who were victims of violence in the same period. The President emphasized the need for Afghans to take charge of their own destiny under the unitary State system agreed to in the 2004 Constitution, stating that the country was not a political laboratory for outsiders. He appealed for constructive cooperation from Members of the Assembly and reassured them that the fundamental lines of Government policy and ministerial nominees would soon be presented for parliamentary assent. Other work in the lower and upper houses of the Assembly includes the adoption of the budget, introduced to the Meshrano Jirga (upper house) on 5 February, and a review of a backlog of laws pending with various parliamentary commissions.

10. On 22 December 2011, 10 political parties gathered in Kabul to launch the National Coalition of Afghanistan, under the leadership of opposition figure and former presidential candidate, Abdullah Abdullah. Key policy platforms include a parliamentary form of government and greater decentralization. The other major opposition bloc, the National Front of Afghanistan, led by Zia Masood, also backs such changes to the governance systems. This has been the subject of a contentious debate — often split along ethnic lines — that dates back to the 2004 Constitutional Loya Jirga, which set forth a centralized State structure. The recent vocal demands for greater subnational autonomy have sparked heated public exchanges.

B. Security developments

11. The United Nations continued to monitor security-related events relevant to the work, mobility and safety of civilian actors across the country, particularly those that affect the delivery of United Nations mandated activities and programmes. Security-related events declined in December 2011 (1,296) and January 2012 (1,286) compared to the previous two-month reporting period. The number of events was also lower than during the same period of the previous year, December 2010 (1,581) and January 2011 (1,636). This reflects multiple factors, including seasonal trends (the harsh winter likely significantly hampering insurgent movement), as well as the disruption of insurgent activity by Afghan and international military operations targeting insurgent networks throughout the summer and autumn, particularly in the south. Armed clashes and improvised explosive devices constituted the majority of such incidents, accounting for nearly 60 per cent of the total in the reporting period.

The focus of military activities remained the south-eastern provinces and Kunar and Nangarhar Provinces in the East.

12. Anti-Government elements carried out 9 suicide attacks in December 2011 and 12 in January 2012, 2 of which were complex attacks. An intimidation campaign continued with the targeted assassination of high-ranking Government officials, members of the security forces and influential local political and religious leaders. The focus of these attacks shifted back to the southern provinces, which recorded roughly 50 per cent of the total number of incidents countrywide. Not all the killings were directly linked to the insurgency; local power struggles also generated violence and added to a climate of fear and mistrust.

13. Major demonstrations following the unfortunate burning of Korans at Bagram Airbase in Parwan Province on 21 February recalled the protests of spring 2011, including one which led to the deaths of three international United Nations staff members, four international guards and five Afghan civilians in Mazar-i-Sharif. As at 23 February, at least nine civilians had died as a result of this latest incident.

14. Overall, the second tranche of the transition progressed as planned. Transition implementation plans for the 18 "tranche II" areas — setting out the process vis-à-vis security, strategic communications, governance and development issues — and the evolution of the Provincial Reconstruction Team were agreed between the Government and the International Security Assistance Force (ISAF) led by the North Atlantic Treaty Organization (NATO). Provincial transition packages are being developed by the Ministry of Finance to support the implementation of national priority programmes by geographic area.

15. UNAMA continued working with provincial development committees and ministries to strengthen the coordination of provincial development planning and promote coherence between the Government and ISAF. This included providing logistical support to the Government's Transition Coordination Commission to assess progress in transition areas as decisions on tranche III are made. United Nations agencies, funds and programmes in Afghanistan started to identify linkages and the potential for increasing alignment with Government priorities.

16. On 31 January 2012, the annual 2011 UNDP police perception survey was released by the Ministry of the Interior. It showed some positive trends in confidence in the police and the role of female officers. Despite a reported decrease in perceptions of police corruption over the past year, this issue, together with accountability, was highlighted as an outstanding challenge. Efforts to improve security through community-based policing initiatives resulted in the expansion of the Afghan Local Police to approximately 11,000 members in 57 validated sites. On 25 December 2011, at the National Security Council, the Minister of the Interior announced that another community security initiative, the Critical Infrastructure Protection Programme, would be halted while the future of the programme is determined.

17. Bilateral strategic agreements signed during the reporting period by President Karzai with members of the international community sealed long-term partnerships, including on economic and cultural aspects, in addition to security assistance.

C. Regional cooperation

18. Political dialogue and cooperation between Afghanistan and countries in the region gained momentum in the reporting period, building on the process launched at the Istanbul Conference for Afghanistan: Security and Cooperation in the Heart of Asia in November 2011. At a meeting in Kabul with relevant ambassadors, held on 5 February 2012, the Government circulated a concept paper to serve as a "road map" to the follow-up ministerial conference in Kabul, now tentatively scheduled for 11 June. The paper focuses on 12 confidence-building measures (from the original 43 presented in Istanbul) aimed at expanding regional cooperation in three broad areas, namely political and security; economic; and education, cultural and legal issues.

19. On 1 February, the Minister of State for Foreign Affairs of Pakistan, Hina Rabbani Khar, met with President Karzai in Kabul, where they discussed enhancing bilateral cooperation on a range of issues including security, development and trade. In a joint communiqué, Pakistan reaffirmed its full support for Afghanistan and agreed that an Afghan-led and Afghan-owned reconciliation process was vital to achieving long-term peace.

20. On 21 December 2011, an Afghan delegation of 24 members of both houses of the National Assembly visited Islamabad and met with Prime Minister Yusuf Gilani of Pakistan, parliamentarians and civil society organizations, as part of the Pakistan-Afghanistan Parliamentarians' Dialogue. They recommended improving coordination on counter-terrorism and addressing the issue of terrorist safe havens. On 31 January 2012, a group of Afghan senators also met with the Prime Minister of Pakistan in Islamabad, as part of a series of cross-border exchange visits by parliamentarians of the two countries.

21. At the trilateral summit, the Presidents of Afghanistan, the Islamic Republic of Iran and Pakistan agreed not to allow threats to one another originating from their territories and to enhance cooperation on counter-narcotics and economic issues, including trade facilitation and joint infrastructure and energy products.

22. Bilateral relations between Afghanistan and neighbouring countries were characterized by steady progress in economic cooperation. On 16 January, President Karzai's office stated that the Government had granted a request by Pakistan for a power line to pass through Afghanistan to allow for the transmission of electricity from Uzbekistan to Pakistan. According to the Deputy Minister of Water and Energy of Afghanistan, Ghulam Faruq Qazizada, the route and conditions for the power line will be determined through negotiations between Pakistani and Afghan technical teams.

23. Also on 16 January, the eighth session of the Afghanistan-Pakistan Joint Economic Commission opened in Islamabad, co-chaired by the Minister of Finance of Afghanistan, Omar Zakhilwal and the Minister of Finance of Pakistan, Abdul Hafeez Shaikh. The Joint Commission agreed to set forth a time-bound road map to enhance bilateral cooperation, particularly with regard to ensuring the import of 1,000 megawatts of electrical power (the CASA-1000 project) and gas from the Central Asian republics to Pakistan via Afghanistan, as well as a road link between Pakistan and Tajikistan via Afghanistan.

24. Bilateral talks between Afghanistan and Turkmenistan on economic cooperation were held on 26 January in Turkmenistan during the visit of President Karzai to President Berdimuhamedov. Discussions centred on the measures required to finalize the full implementation of the trans-Afghanistan gas pipeline that passes through Afghanistan to Pakistan and India, as well as the Afghanistan-Turkmenistan railway and the export of electricity to Afghanistan.

25. There were also notable instances of foreign investment in Afghanistan from within the region. On 26 December 2011, at a meeting in Tehran between the Minister of Trade and Industry of Afghanistan, Anwar ul-Haq Ahady, and the Deputy Oil Minister of the Islamic Republic of Iran, Ali Reza Zeighami, the Islamic Republic of Iran agreed to supply Afghanistan with up to 1 million tons of petroleum products annually. Mr. Ahady also visited port facilities in the southern part of the Islamic Republic of Iran that could be used for transporting Afghan imports and exports. On 28 December, Afghanistan signed its first major oil exploration contract with a Chinese company to develop three fields in the northern provinces of Sari Pul and Faryab, estimated to hold at least 87 million barrels of oil and to bring $7 billion to Afghanistan over the next 25 years. On 16 January 2012, an agreement was reached for an Iranian company to produce 1 million tons of cement annually in Herat Province, valued at $150 million, and to develop Herat's Pahlawanan coal mine.

26. With the support of the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNDP, representatives of Afghanistan, the Islamic Republic of Iran and Pakistan met in Dubai from 29 to 31 January to discuss the quadripartite solutions strategy for Afghan refugees. Pakistan and the Islamic Republic of Iran host 3 million refugees, while recent UNHCR studies show that up to 60 per cent of returnees are considered to be living in worse conditions and experiencing significant problems rebuilding their lives in Afghanistan. In line with the principles of the Istanbul Process on Regional Security and Cooperation for a Secure and Stable Afghanistan, the strategy aims to create conditions conducive to voluntary repatriation through community investments; promote livelihood opportunities; and provide assistance to host communities. The strategy was signed by all three Governments and is to be formally launched in Switzerland in May. The modalities of a multi-donor trust fund were also discussed at the Dubai meeting.

III. Human rights

27. On 4 February, UNAMA released its 2011 annual report on the protection of civilians in armed conflict, in which it reported an increase in civilian casualties for the fifth consecutive year. UNAMA documented 3,021 civilian deaths, an increase of 8 per cent compared to 2010, with anti-Government elements being responsible for 77 per cent of the deaths, an increase of 14 per cent compared to the same period in 2010. Pro-Government forces were responsible for 410 civilian deaths, a decrease of 4 per cent compared to the same period in 2010. In 9 per cent of cases, the civilian deaths could not be attributed to either party.

28. A statement issued on a Taliban-affiliated website criticized the 2011 annual report for being one-sided. It disputed whether provincial governors and police chiefs were "civilians" as stated in the report's discussion of targeted killings of civilian Government officials. The statement also listed several incidents in which

pro-Government forces had killed civilians that the Taliban believed UNAMA did not account for in the report. UNAMA has followed up on those claims and has been able to confirm that it did account for all the listed incidents. While recent Taliban statements have increasingly raised the importance of reducing civilian casualties, the statements have not resulted in any discernable reduction in civilian deaths and injuries caused by their tactics. Halting the use of victim-activated pressure-plate improvised explosive devices and suicide bombings, given their indiscriminate and disproportionate impact on Afghan civilians, would be a credible demonstration of such intent.

29. In the months of December 2011 and January 2012, UNAMA documented 383 civilian deaths and 820 civilian injuries, an increase of 39 per cent in civilian casualties (deaths and injuries) compared to the same two-month period in 2010-2011. While the number of civilian deaths decreased by 5 per cent, civilian injuries increased by 77 per cent. Anti-Government elements were responsible for 1,047 of the casualties (87 per cent) and pro-Government forces for 54 (4 per cent). Fifteen per cent of the total number of civilian casualties (53 killed and 123 injured) in December 2011 and January 2012 were children, an increase of 9 per cent compared to the previous year.

30. Suicide attacks by anti-Government elements were deadlier in December and January. Fifteen suicide attacks caused increased civilian casualties, mostly in the southern region. A total of 124 civilians were killed (32 per cent of all civilian deaths) and 442 injured (54 per cent of all civilian injuries), representing a large increase in deaths and injuries caused by suicide attacks, compared to the same two-month period in 2010-2011. Improvised explosive devices by anti-Government elements caused 111 civilians deaths in December and January, a 17 per cent decrease compared to the same period in 2010-2011.

31. Air strikes remained the leading cause of civilian deaths by pro-Government forces. A total of 12 civilians were killed, representing a 37 per cent decrease compared to the same two-month period the previous year. Civilian casualties from contentious night search operations decreased to 13 (9 killed and 4 injured), a 48 per cent reduction compared to the same period the previous year. There were 16 civilian casualties resulting from ground engagements (9 killed and 7 injured), a decrease of 70 per cent compared to the previous year.

32. Together with the other members of the country task force on monitoring and reporting, UNAMA continued to implement the monitoring and reporting mechanism on the situation of children in Afghanistan. In response to the action plan signed in February 2011, the Government of Afghanistan reported progress in preventing child recruitment and other grave violations, including the issuance of decrees, an awareness-raising campaign and capacity-building of Afghan security forces on child rights. Concrete steps were made in the western provinces of Herat and Ghor, with child protection units established in army and police recruitment sections.

33. In response to the October 2011 UNAMA report on the treatment of detainees in Afghan custody, the Government of Afghanistan and ISAF undertook steps to implement key recommendations. Having suspended transfers of detainees to 16 facilities identified by UNAMA as locations where systematic torture had occurred, ISAF implemented a plan of on-site inspections and remediation training of National Directorate of Security and Afghan National Police investigative personnel in all 16 detention facilities. Following the completion of the initial

on-site inspection and remediation training, on 15 February, ISAF announced that it had recertified eight detention facilities and conditionally certified four facilities pending further on-site inspection. Four others, including National Directorate of Security facilities in Kandahar and Kabul, are yet to be certified. ISAF has resumed the transfer of detainees from custody to the eight fully certified facilities, and plans to commence a monitoring programme for the detainees it transfers, from custody to trial, and to establish training and monitoring teams in all its regional commands. The National Directorate of Security established a human rights department to investigate allegations of abuse and torture and issued instructions reminding staff of their responsibility to adhere to national and international standards. Continuing its own follow-up, UNAMA visited 78 detention facilities managed by the National Directorate of Security, the Afghan National Police and the Central Prisons Directorate to reassess the treatment of conflict-related detainees since the release of the report.

34. A December 2011 Presidential Decree transferring the Central Prison Directorate from the Ministry of Justice to the Ministry of the Interior formally came into effect on 10 January. The Ministry of the Interior affirmed its commitment to the independence of the Directorate within the Ministry, ensuring the separation of policing and correctional work. UNAMA is monitoring the situation to ensure that this separation is understood and implemented, particularly at the subnational levels.

35. The mandates of all nine Commissioners at the Afghanistan Independent Human Rights Commission expired on 16 December 2011. President Karzai reappointed six Commissioners and three positions remain vacant. Afghan civil society organizations expressed concern about the opaque nature of the process and the risk that inappropriate appointments could affect the Commission's effectiveness. The United Nations High Commissioner for Human Rights, Navi Pillay, and UNAMA welcomed the subsequent dialogue between the Government and civil society on the appointments process, emphasizing that qualified commissioners representing various segments of society, including women and minorities, should be appointed through an inclusive, transparent and genuinely consultative process to meet national and international standards.

36. UNAMA continued to work with the Afghanistan Independent Human Rights Commission and civil society organizations to monitor and advocate for the protection of women's rights. From 18 to 20 December 2011, in connection with the issuance of its December 2011 report, entitled "A Long Way to Go: Implementation of the Law on the Elimination of Violence against Women", UNAMA hosted a national-level expert seminar on forced and underage marriages for law enforcement and Government officials. It also sponsored a number of capacity-building programmes in the south-eastern, central and central highlands regions to raise awareness of the law in local communities and create opportunities to discuss women's rights issues with religious leaders, law enforcement, Government officials and civil society groups.

IV. Implementation of the Kabul process and aid coherence

37. During the reporting period, the international community and the Government of Afghanistan worked on meeting commitments made at the Bonn Conference in December 2011 on mutual accountability and the sequencing of the national priority

programmes. Particular emphasis was placed on advancing national priority programmes and initiatives relating to governance and the rule of law.

38. In December, the Management Committee for Afghanistan Reconstruction Trust Fund approved the first instalment of $100 million (total $350 million) for the implementation of the five-year capacity-building for results programme. The programme creates a mechanism for line ministries and line departments, in coordination with the Ministry of Finance and the Independent Administrative Reform and Civil Service Commission, to develop capacity-building plans to improve budget implementation, business processes and service delivery of line ministries responsible for national priority programmes. Under the programme, 2,400 staff will be appointed and trained for key civil service positions.

39. On 22 January, at the 9th meeting of the High-Level Committee on Aid Effectiveness, led by the Minister of Finance, the Committee set forth a new framework for engagement between the Government and the international community based on the New Deal for Engagement in Fragile States, adopted at the Fourth High-Level Forum on Aid Effectiveness, held in Busan, Republic of Korea, in December 2011. Afghanistan was selected as a priority country to implement the approach, given the planned shift in strategy from stabilization to long-term development cooperation. The emphasis is on long-term efforts and incremental approaches to fostering key peacebuilding and state-building goals, such as legitimate and inclusive politics, security and justice, economic foundations and revenue generation for accountable service delivery.

40. During the reporting period, there was a growing consensus within the Government and the international community that governance reforms that lead to economic growth and improved service delivery are crucial to the transition and the implementation of national priority programmes. To that end, planning commenced on a series of events aimed at delivering tangible outcomes ahead of the international conference on Afghanistan in Tokyo in July 2012. A series of targets and benchmarks will be developed at an inter-ministerial retreat on governance in mid-March; this will be followed by a meeting of the Joint Coordination Monitoring Board. Together, these should ensure commitment to a course of reforms to strengthen core Government functions and address the anticipated financing gap.

V. Governance and rule of law

41. During the reporting period, the Independent Directorate of Local Governance, the High Office of Oversight and the Independent Administrative Reform and Civil Service Commission, with the support of UNAMA, held a series of formal consultations with the donor community to build consensus on support to the three governance-related national priority programmes: transparency and accountability, efficient and effective government, and local governance. Shared priorities were identified and will be submitted to the standing committee on governance for approval prior to the meeting of the Joint Coordination Monitoring Board. Similarly, efforts continued to finalize the national priority programme on law and justice for all, so that it can also be submitted to the Board at its next meeting. With UNAMA support, the Government of Afghanistan established a series of focus groups with Government institutions and donors to consider different aspects of the programme.

42. The joint Government and international Monitoring and Evaluation Committee continued its anti-corruption work. In February, at the second of a series of meetings, the International Community Transparency and Accountability Working Group discussed support for the prioritization and implementation of the 64 benchmarks to combat corruption. These include proposed improvements to the draft Anti-Corruption Law, the rationalization of personnel structures to reduce opportunities for corruption, and international organizations addressing their own internal accountability and transparency.

43. To support the implementation of the national priority programme on subnational governance policy and local governance. UNAMA worked with the Government to establish a new, quarterly Subnational Governance Coordination Forum. Members include representatives from the Independent Administrative Reform and Civil Service Commission and the Ministries of Finance, Rural Rehabilitation and Development and the Economy. UNAMA continued efforts to promote accountable subnational governance with elected and non-elected institutions and civil society organizations. In Mazar-i-Sharif Province, a conference was held to promote civil society awareness of the subnational governance policy of the Independent Directorate of Local Governance and more effective interaction with the Provincial Council. Similarly, in the provinces of Farah, Badghis and Ghor, UNAMA, in cooperation with the Independent Administrative Reform and Civil Service Commission, successfully implemented a four-day public administrative reform awareness training workshop attended by over 160 civil servants. Participants developed a working knowledge of the Civil Service Law, in accordance with the Commission's public administrative reform policies.

44. Over several weeks in January and February, the 34 Provincial Councils held their annual administrative board elections (chairman, deputy chairman, secretary). While not actively engaged in the process, UNAMA monitored polling where requested by local authorities. In general, elections were free of controversy, although there were disputes in some areas over the interpretation of a quorum, highlighting the need for clearly agreed regulations to be widely accepted and understood prior to voting. The Independent Directorate of Local Governance and the Independent Election Commission are working to resolve challenges.

45. The adoption of the Criminal Procedure Code has been identified as a priority since the 2010 Kabul Conference. The draft Code and Law on the Structure and Jurisdiction of the Office of the Attorney General, Anti-Corruption Law and Major Crimes Task Force Law were considered at a workshop led by the Ministry of Justice, from 18 to 21 December. Participants representing the Office of the Attorney General, the Ministry of the Interior and the Independent Directorate of Local Governance focused on revising the draft laws. Subsequently, the Ministry of Justice submitted the draft Criminal Procedure Code to the Council of Ministers for review.

VI. Development and humanitarian assistance

46. In response to the Government's requests for the United Nations system in Afghanistan to act more cohesively, the Special Representative of the Secretary-General has led efforts to ensure greater system coherence. Although at times humanitarian and development actors need to retain a distinct identity from the

Mission for programme delivery purposes, the work of all United Nations agencies, funds and programmes should be mutually reinforcing. Options were developed with the support of a United Nations Development Group "United Nations Coherence Mission" and UNDP. At the annual retreat of the United Nations country team on 24 and 25 January, four areas were endorsed for immediate efforts towards better integration, namely integrated annual workplans; an integrated budgetary framework; communications and advocacy; and business operations. There will be further discussion on integrated programming and budgetary frameworks. Internal efforts to ensure greater coherence in the coming year will include the midterm review of the United Nations Development Assistance Framework and the development of a common country assessment. Priorities for 2012 include alignment with the national priority programmes and other Government frameworks, on-budget support and capacity development.

47. During the reporting period, UNDP undertook a strategic review of its engagement in Afghanistan, which recommended several steps to increase the role of UNDP, as part of the integrated mission, to assist the Government of Afghanistan during and beyond the transition period, including the establishment of a policy unit providing policy advisory services to the Government and the United Nations system in Afghanistan. Further, in line with the commitments made at the London and Kabul Conferences in respect of on-budget support, in December 2011, UNDP signed a letter of intent with the Government of Afghanistan to route an ever-increasing portion of UNDP assistance through on-budget support. It is anticipated that some 80 per cent of UNDP support will be channelled in this manner.

48. The United Nations Children's Fund (UNICEF) country programme midterm review was concluded on 24 January. Much of the process was Government-led and there were extensive consultations with communities, donors and officials at the central, provincial and district levels. The programme will be streamlined with some recalibration in the five key areas of justice, routine immunization and polio eradication, nutrition, increased enrolment of girls in education and emergency obstetric care. In terms of delivery, emphasis will be placed on community-based planning, programming and ownership, addressing social norms and social change, communications and improved monitoring and evaluation. Meanwhile, a United Nations working group on maternal and newborn health, including the World Health Organization (WHO), UNICEF, the United Nations Population Fund and the World Food Programme, has been liaising with relevant line ministries in Afghanistan to mainstream concerns on this issue across outstanding national priority programmes and, where possible, the action plans for those already endorsed. From 20 to 23 January, a visiting team of experts from the International Labour Organization (ILO) provided technical assistance in finalizing the national priority programme on the facilitation of sustainable decent work through skills development and market-friendly labour regulation. ILO will continue to advise on exploring linkages between this and other key national priority programmes, particularly those focused on agriculture and rural infrastructure.

49. Institutional capacity development and the humanitarian development continuum are major priorities for the United Nations, to help ensure a successful transition. In December 2011, the Ministry of Energy and Water signed a $27.7 million agreement with the Food and Agriculture Organization of the United Nations to provide technical assistance for the implementation of the Irrigation Restoration and Development Project. The total budget for the six-year project is

$148.7 million, $97.8 million of which is being provided by a World Bank grant aimed at strengthening national capacity to address the underlying causes of drought. The project builds upon activities and capacities already established under the Emergency Irrigation Rehabilitation Project. Planned outcomes include increased agricultural productivity to benefit an estimated 230,000 households, the construction of two to three small dams and irrigation systems in northern Afghanistan, and the development of the Ministry's hydrometeorological networks and systems.

50. The humanitarian community continued to focus on responding to needs arising from conflicts and natural disasters and on providing initial assistance for internally displaced persons and refugee returnees. Other priorities include focused advocacy for equitable and sustainable development to achieve the Millennium Development Goals.

51. An estimated 19,300 persons were displaced in December 2011 and January 2012 owing to conflict across the country, further aggravating Afghanistan's deepening displacement crisis and bringing the total number of internally displaced persons in 2011 to almost 500,000, a 45 per cent increase in internally displaced persons owing to conflict compared to 2010.

52. Acute vulnerability, with limited shelter options, access to basic services and income generation, coupled with the unusually harsh winter conditions, contributed to the tragic and widely publicized death of children living in informal settlements in Kabul in January and February. More than 30,000 people currently live in 45 informal settlements in and around the capital. Between November 2011 and January 2012, most settlements received non-food items and/or fuel. Work is ongoing to address remaining gaps. The acute vulnerability in the informal settlements provides a snapshot of the harsh realities facing displaced Afghans throughout the country, many of whom are beyond the reach of the humanitarian community. Durable solutions to Afghanistan's displacement crisis require immediate and effective coordinated action by the Government and development actors to ensure that rural development, urban planning and housing, and property rights are adequately addressed.

VII. Counter-narcotics

53. Enhanced regional cooperation was the principal focus during the reporting period, with the December 2011 launch of the Regional Programme for Afghanistan and Neighbouring Countries of the United Nations Office on Drugs and Crime. The ceremony in Vienna was attended by ministers, deputy ministers and high-level representatives of the Governments of Afghanistan, the Islamic Republic of Iran, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkmenistan and Uzbekistan. The Regional Programme is a strategic framework for the work of the Office and multilateral partners, focusing on counter-narcotics and the rule of law in order to respond effectively to drug trafficking and organized crime. It will include the training of counter-narcotics law enforcement officials, joint raids, drug seizures and border patrols, as well as activities to tackle cross-border illicit money flows.

54. Within the framework of the Regional Programme, trilateral talks among the drug enforcement agencies of Afghanistan, Kyrgyzstan and Tajikistan were held in Dushanbe on 20 January. The talks were aimed at ensuring joint efforts against

organized criminal groups, timely information exchange and training for professional specialists. A joint protocol which included a provision on biannual meetings of the heads of the anti-drug services of the three countries was signed. In addition, the first regional workshop on the strategy on preventing and combating cross-border cash smuggling was held in Dushanbe from 25 to 27 January. It was attended by the heads of financial investigation units from eight countries, namely Afghanistan, the Islamic Republic of Iran, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkmenistan and Uzbekistan.

55. Representatives of the existing subregional information-sharing mechanisms, the Central Asian Regional Information and Coordination Centre and the joint planning cell of the Triangular Initiative met in Almaty, Kazakhstan, between 6 and 8 February. Under the auspices of the above-mentioned Regional Programme, counter-narcotics law enforcement specialists from Afghanistan, the Islamic Republic of Iran, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkmenistan and Uzbekistan and international observers identified concrete actions to enhance interdiction efforts in 2012, with an emphasis on precursor control.

56. On 16 February, the Secretary-General attended the Third Ministerial Conference of the Paris Pact, in Vienna, which was held as part of comprehensive and concerted international action to stem the flow of opium and heroin from Afghanistan. Ministers stressed the need to reduce cultivation and production, as well as drug trafficking and abuse, and to establish a broad international coalition to combat opiate trafficking. Affirming their common and shared responsibility, the Paris Pact partners adopted the Vienna Declaration, a statement of international commitment to act in a balanced and comprehensive manner against the menace of illicit Afghan opiates, which requires a global response and action addressing both the demand and supply sides.

VIII. Mission support

57. In section IX of its resolution 66/247, the General Assembly approved the budgets for special political missions for 2012, including $241 million (compared to $270.7 million in 2011) for UNAMA. No new significant capital investment projects are envisaged for 2012.

58. UNAMA continued efforts to improve its capacity and the efficiency of its operations. The overall vacancy rate at the end of December 2011 was 19 per cent for international staff and 9 per cent for national staff. The training centre continues to partner with local and regional institutions to strengthen capacity, and 1,138 national staff and 304 international staff benefited from educational opportunities in 2011 to enhance their skills to deliver on mandate activities. Coordination continues with the United Nations Assistance Mission for Iraq (UNAMI) at the joint UNAMA-UNAMI support office in Kuwait.

59. The decision of the Government of Afghanistan to replace all private security companies with the Afghan Public Protection Force by March 2012 has met legal and operational difficulties. The United Nations and diplomatic missions have been informed that they may continue with the current arrangements for compound security. Clarifications are being sought on the future arrangements for project security. UNAMA has also taken note of the Government's decision demanding the removal of security barriers on roads and pavements in Kabul. Implementation of

either decision will inevitably compromise the level of mandatory minimum operating security standards.

IX. Observations

60. Ambitious transition timelines for 2014 are informing all processes and politics now at play in Afghanistan. I fully support the position of the Government of Afghanistan that progress on governance, development and the rule of law are vital to a sustainable security transition. All are fundamentally linked — trust in State institutions and increased prosperity are essential to build and reinforce stability — and acting on a comprehensive approach can create conditions for a peace process that guarantees the rights and responds to the aspirations of all Afghans. Currently, however, different trajectories vis-à-vis these processes have been observed.

61. The 2011 Bonn Conference provided assurances of an enduring partnership between Afghanistan and its international partners through 2014 and the decade beyond. Recently signed bilateral strategic partnership agreements are an important start in this direction. Making clearly defined, tangible commitments is now vital to inform planning and to reinforce public confidence. Unpredictability brings the risk of destabilization and distrust, as evidenced by the reactions to recent comments in the media, which were interpreted to indicate an acceleration of the agreed timeline for international troop withdrawals.

62. The future shape of, and support for, Afghan security institutions will be discussed at the upcoming NATO Chicago summit meeting on Afghanistan in May 2012. Mutually agreed force requirements will have to be matched by resource commitments. While there are reports of improved security in areas where the Afghan Local Police is operating, human rights abuses against civilians have also been documented. I share the view of the Government of Afghanistan that such security initiatives should have clear lines of accountability, command and control linking them to formal national security forces and institutions, namely the Afghan National Army and the Afghan National Police.

63. Fiscal constraints are to be anticipated, particularly given the international economic climate. The need to address likely financing gaps has spurred a renewed engagement by the Government on reforms to strengthen its core functions and ensure a more sustainable development path. Kabul process commitments and national priority programmes remain guiding policies for international engagement, emphasizing mutual accountability, on-budget support and greater coherence in an increasingly Afghan-led governance and development agenda. The lead-up to the Tokyo Conference on Afghanistan in July 2012, indicates a focus on prioritizing the 22 national priority programmes and advancing their phased implementation, as well as ensuring greater mainstreaming of counter-narcotics. Given increasing fears about fiscal sustainability and potential funding gaps, the Government has, rightly, increasingly emphasized economic growth as a core priority. Within such discussions, the United Nations advocates that the Government and donors ensure continued investment in basic social services and human development, elements critical to social equity and enhanced stability. Further, the evolution of provincial reconstruction teams requires protection against assistance gaps and clarity on the handover of functions to the Government of Afghanistan and its institutions.

64. Afghanistan remains a country with significant development deficits and shortfalls exacerbated by protracted conflict and recurrent natural hazards, including drought, extreme winter conditions, earthquakes and flooding. Breaking the cycle of reliance on humanitarian assistance requires a focus on preventing further suffering while also finding durable solutions for the successful integration of returnees and addressing the plight of the displaced. This entails ensuring the effective delivery of and access to basic and effective coordinated assistance by the Government and development actors and ensuring that issues of rural development, urban planning and housing, as well as property rights, are also adequately addressed.

65. To adequately address the humanitarian situation, my Special Representative, through the Deputy Resident Coordinator/Humanitarian Coordinator and the humanitarian country team, will continue to work with Afghan authorities and humanitarian actors to improve access to people in need and to address their needs, and to advocate that all parties respect the principles of humanitarian action in the delivery of assistance.

66. The dynamic Afghan lead which has been demonstrated by efforts to reach agreement on regional confidence-building measures in line with the principles of the Istanbul Process is welcomed. The follow-up ministerial conference to be held in Kabul in June 2012 is the focus of continuing efforts to ensure greater coherence within existing regional mechanisms. Enhanced regional security and cooperation can contribute greatly to the broader environment for stabilization efforts.

67. The cordial atmosphere at the opening of the sixteenth session of the National Assembly is to be noted; President Karzai's public commitment to present, in the near future, the fundamental Government policy lines and his submission, on 25 February, of nine ministerial nominees for the Cabinet is a welcome recognition of the Constitutional authorities of different State institutions. Improved executive-legislative relations can help to ensure that this session of the National Assembly is a substantive one, working through a packed legislative agenda and driving real change in the lives of the Afghan people.

68. The emerging national debate on possible modalities and potential outcomes of an Afghan-led peace process has been largely constructive, but there has been concern across the political spectrum about the opacity of efforts in this area and the lack of inclusiveness in the process. There has been official disquiet over what was seen as a lack of consultation on plans to open a Taliban office in a third country; and civil society organizations worry that a peace deal could compromise the achievements of the past 10 years. Continuing discussions on the future functions and leadership of the High Peace Council could offer a way forward, ensuring even greater inclusiveness in the exit process.

69. The United Nations and many of Afghanistan's international partners continue to stress support for a broad-based and inclusive peace process that respects the achievements of the past decades and leads to sustainable peace and enhanced national unity. Human rights, including women's and children's rights, and international obligations must not be viewed as impediments but rather as critical elements of the process. At this point, progress towards peace can be reinforced by effective action to reduce civilian casualties and abuses on all sides.

70. In its resolution 1974 (2011) the Security Council requested me to conduct a comprehensive review of the mandated activities of UNAMA and United Nations

support in Afghanistan with the aim of informing the Council's consideration of the UNAMA mandate in March 2012. A review was also requested in a letter from the Foreign Minister of Afghanistan, Zalmay Rassoul, to which I responded expressing the firm belief that such a course of action offered the Organization an opportunity to further streamline and harmonize the activities of the United Nations family in Afghanistan and clarify the UNAMA mandate and its orientation to current realities, 10 years after the creation of the Mission.

71. With full recognition of Afghan sovereignty and the progress made in the past 10 years, good offices and political outreach in support of Afghan-led processes should become the essence of the UNAMA political mandate at the national and subnational levels. This should continue to encompass initiatives towards regional consensus-building and reconciliation efforts, and could extend to other Afghan-led political processes, supporting their inclusiveness, and the inclusiveness of Afghan institutions. Afghan and international interlocutors have also emphasized the need to continue promoting the capacity of Afghan electoral institutions and the integrity of future electoral processes. As with all Afghan-led processes, UNAMA stands ready, at the request of the Government of Afghanistan, to work on strengthening the capacity of local institutions to effectively fulfil their authority as mandated under the Constitution.

72. Already an important focus of the work of UNAMA and the United Nations, the protection, promotion and fulfilment of the human rights of all Afghans should become increasingly central to the Mission's mandate in the next year and beyond, including in the light of the current issues relating to the protection of civilians, the concerns regarding local security arrangements, the likelihood of progress on social and economic rights in the medium and long term, and the protection and fulfilment of the interests and aspirations of Afghan men, women and children in the context of a peace process.

73. Promoting a coherent international civilian engagement behind the Government's development agenda and programmes remains a priority for the Mission. A concretization, in Chicago and Tokyo, of the mutual commitments defined by the Government of Afghanistan and its international partners in Bonn in 2011 will be necessary to guarantee the success and sustainability of the transition and Kabul processes. UNAMA should continue, including through its role as co-chair of the Joint Coordination and Monitoring Board, to support the Government's efforts towards this end.

74. On the basis of these considerations, which emerged during the extensive consultations — first and foremost with Afghan Government representatives and Council members — held in the context of the review, I recommend that the mandate of UNAMA, which expires on 23 March 2012, be renewed for an additional 12 months. UNAMA continues to play an important role in international support for Afghanistan. The imperatives of the transition process, the developments that have taken place over the past year, and Afghanistan's political and development agenda for 2012 should guide the Mission and its operational activities as outlined above.

75. Other elements of the mandate as set out in Security Council resolution 1974 (2011) and previous resolutions should continue to guide the work of UNAMA. In this respect, and recalling that UNAMA is an integrated mission, the respective mandates and technical competencies of relevant members of the United Nations

family should be leveraged and, wherever pertinent, with an emphasis on coherently enabling and strengthening the role of Afghan institutions to perform their mandated duties to the Afghan people.

76. The practical implementation of the mandate should be accomplished through a continued presence at the subnational level, the size and configuration of which should be determined by my Special Representative on the basis of an assessment of mandated activities and needs on the ground, the capacity and competency to carry out activities and respond to these needs, as well as the requirements for security and support.

77. Finally, I welcome the arrival of my new Special Representative, Ján Kubiš, in Kabul on 17 January. On his second day in Afghanistan, Mr. Kubiš was warmly received by President Karzai. Mr. Kubiš is laying the foundations for a strong partnership with his Afghan and international counterparts. I would also like to reiterate my thanks to all the United Nations national and international staff for their continued dedication, under difficult conditions, to fulfilling our commitments to the people of Afghanistan.

Annex

Progress against benchmarks

I. Security

Benchmark: sustainable Afghan security institutions and processes capable of ensuring peace and stability and protecting the people of Afghanistan

Indicators of progress	*Metrics*
Increase in the number of national police and national army personnel mentored, trained and operational according to an agreed structure	• The army and the police are on track to reach respective 2012 growth figures of 195,000 and 152,000. • The UNDP police perception survey noted a 46 per cent improvement from 2010, compared to a 34 per cent improvement from 2009 in public confidence in the police forces.
Development of and progress in a plan for a phased and conditions-based transition to Afghan security lead	• The first and second tranches of the transition areas were approved by President Karzai on 22 March and 27 November 2011, and the transition implementation plans were launched.

II. Peace, reintegration and reconciliation

Benchmark: national dialogue and regional engagement to pursue constructive and inclusive process to foster a political environment conducive to peace

Indicators of progress	*Metrics*
Development and implementation of inclusive national and regional processes to enhance peace, reintegration and reconciliation efforts	• The November 2011 Traditional Loya Jirga agreed on continuing to pursue dialogue. • As at the end of January 2012, 3,354 anti-Government elements were enrolled in the Afghanistan Peace and Reintegration Programme. An additional 442 were being processed. • As at the end of January 2012, $157.5 million had been deposited in the Afghanistan Reconstruction Trust Fund. Ongoing implementation of the Programme includes: (a) establishment of coordination cells in four line ministries; (b) commencement of the implementation of two demining projects, covering Baghlan, Kunduz and Herat Provinces, and a vocational training programme in Badghis; (c) establishment of the Small Grants Programme, with 27 projects approved; (d) implementation of 160 projects through the National Solidarity Programme.

Indicators of progress	*Metrics*
Increased ability by Afghan authorities to gather and provide substantiated, updated and accurate information to the Security Council Committee established pursuant to resolution 1988 (2011)	• In 2011, the Government of Afghanistan provided information to the Committee, contributing to the removal of 15 names from the list of sanctioned Taliban individuals.
Increased public support for the peace process through engagement at the community level and with civil society	• Two additional provincial peace committees were established, bringing the overall number to 30. Twenty-nine provincial joint secretariat teams were established to implement the Afghanistan Peace and Reintegration Programme. • Reintegration events, including a high-level conference on the Afghanistan Peace and Reintegration Programme in southern Afghanistan, were undertaken at the national and provincial levels. The High Peace Council and the joint secretariat of the Afghanistan Peace and Reintegration Programme were involved. • Official High Peace Council visits were conducted throughout Afghanistan and to Germany, India, Indonesia, the Islamic Republic of Iran, Norway, Pakistan, Turkey, Turkmenistan and the United Arab Emirates. • The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) provided technical support to the High Peace Council on the adoption of the gender policy for the peace and reconciliation process in Afghanistan and on the development of a workplan for 2012.

III. Governance and institution-building

Benchmark: extension of Government authority throughout the country through the establishment of democratic, legitimate, accountable institutions, down to the local level, with the capacity to implement policies and to be increasingly capable of sustaining themselves

Indicators of progress	*Metrics*
Increased ability by Afghan authorities and independent electoral institutions to manage and conduct genuine and periodic elections, with due regard to women's participation and constitutionally guaranteed quotas	• The Independent Election Commission undertook a lessons learned exercise, drafted a strategic plan and a capacity development and training plan, and commenced work on clarifying and strengthening internal regulations. • The ELECT II project was launched in December 2011. In collaboration with the Independent Election

Indicators of progress	*Metrics*
	Commission, the project will focus on, inter alia, building the capacity of electoral institutions in the intra-electoral period, to include technical and infrastructure capacity; considering options for the future of the voter registry; and conducting outreach to broaden participation.
Establishment of a Monitoring and Evaluation Committee and development of anti-corruption benchmarks	• The Monitoring and Evaluation Committee was established; international and national representatives were selected; and over 60 benchmarks to address corruption at the national level are being prioritized and promoted.
Empowerment of anti-corruption institutions to oversee a whole-of-Government approach to anti-corruption	• The High Office of Oversight coordinated the development and implementation of the Government's action plan to fight corruption. Fifty-four ministries and independent directorates prepared their anti-corruption action plans in 2011, of which 48 were approved by the High Office of Oversight.
	• The National Assembly examined the Audit Law, which ensures the independence of the Control and Audit Office.
Annual publication of asset declarations of public officials	• Approximately 2,500 senior officials from 38 Government institutions (an increase of 505 individuals) registered their assets. The findings were published by national media.
Increased capacity of civil servants at the central, provincial and district levels to discharge functions and deliver ervices	• The Afghan Civil Service Institute delivered functional training for 2,900 civil servants and enrolled 200 college graduates in Kabul and 400 graduates subnationally in an internship programme.
Increased transparency and effectiveness of civil service appointments	• The Independent Directorate for Local Governance developed terms of reference for provincial and district governors.
	• In accordance with the public administrative reform process, 17 Deputy Governors and 243 District Governor vacancies were announced, and 16 Deputy Governors and 86 District Governors were officially recruited.
Strengthened civil service reform supported by a comprehensive approach to capacity-building and donor-funded technical assistance	• The World Bank, the Independent Administrative Reform and Civil Service Commission and the Ministry of Finance agreed to the five-year capacity-building for results mechanism for the capacity development of middle and senior management civil servants.

Indicators of progress	*Metrics*
	• Preparations for establishing the Civil Service Transitional Trust Fund to develop a sustainable civil service and complement other donor-funded programmes commenced.
Implementation of the subnational governance policy and development of subnational regulatory, financing and budgetary frameworks	• The provincial budgeting policy for line departments to undertake provincial budgeting was developed by the Independent Directorate for Local Governance and the Ministry of Finance and piloted in 5 pilot ministries, via line departments in all 34 provinces.
	• The Law on Local Administration was finalized by the Independent Directorate for Local Governance and submitted to the Ministry of Justice.
	• The Law on the Right to Information drafted by the Independent Directorate for Local Governance was presented to the Ministry of Culture and Information.
	• The basic functions of provincial councils were included in the new draft of the Provincial Council Law.
	• Twenty-two provincial development plans were completed, 31 revenue improvement action plans were formulated and implemented, which, ideally, will enhance planning and budgeting at the local level.
Development and publication of criteria for administrative boundaries	• The Independent Directorate for Local Governance and the Department of Geodesy and Cartography of the Government of Afghanistan requested district authorities to submit information relating to district boundaries. In 2011, four provinces submitted their complete related data.
Establishment of adequate infrastructure for functioning Government institutions, especially at the subnational level	• Reconstruction of administrative buildings in 29 provinces.
	• Construction of provincial council offices in 5 provinces.
	• Construction of district council offices in 46 districts.
	• Construction or rehabilitation of primary courts in 10 districts, across 5 provinces.
Establishment of credible and accessible judicial and penal systems that respect and uphold the human rights of all citizens	• The draft criminal procedure code was reviewed by the Council of Ministers.
	• The three-year national priority programme on law and justice for all underwent extensive consultation for submission to the Joint Coordination Monitoring Board in 2012.

Indicators of progress	*Metrics*
	• The Ministry of Justice increased the number of legal aid offices from 19 in 2010 to 26 in 2011. The number of legal aid lawyers in the Ministry of Justice totalled 97 by November 2011. An additional 35 lawyers were provided to the Ministry's Legal Aid Unit through the justice sector reform programme of the Afghanistan Reconstruction Trust Fund.
	• The provision of legal aid services by non-governmental organizations increased; in 2010, there were approximately 190 legal aid lawyers and current estimates total approximately 250.
	• The number of lawyers registered with the Afghanistan Independent Bar Association increased from approximately 928 at the end of 2010 to approximately 1,150 in December 2011.
	• The Council of Ministers approved a pay and grading reform package for the Office of the Attorney General in December 2011.
	• On 10 January, the Ministry of Justice formally handed over the Central Prison Directorate to the Ministry of the Interior, pursuant to a Presidential Decree of 17 December 2011. With United Nations partners and other stakeholders, UNAMA is advocating for the Directorate to remain a structure with its own reporting lines to the Minister of the Interior, independent from the Afghan National Police and other departments. The Minister of the Interior reaffirmed his commitment in this regard.

IV. Human rights

Benchmark: improved respect for human rights of Afghans, in line with the Afghan Constitution and international law, with particular emphasis on the protection of civilians, the situation of women and girls, freedom of expression and accountability based on the rule of law

Indicators of progress	*Metrics*
Reduction in the number of incidents of unlawful use of force and intimidation of civilians, through compliance by relevant actors with international law	• In 2011, 3,021 civilians were killed in conflict-related incidents, an increase of 8 per cent compared to 2010. Anti-Government elements were responsible for 2,332 deaths, an increase of 14 per cent compared to 2010. Pro-Government forces were responsible for 14 per cent of civilian deaths, a 4 per cent decrease compared to 2010.

Indicators of progress	*Metrics*
	• ISAF issued two public tactical directives to mitigate civilian casualties, including on night search operations, and two additional internal tactical directives on convoy protection and entry into medical facilities, contributing to better protection of civilians and a reduction in civilian casualties by ISAF.
	• The Taliban issued a number of public statements committing to ensure civilian protection during its operations.
	• UNAMA continued its monitoring and advocacy efforts to raise awareness of international human rights law and international humanitarian law.
Improved awareness by Afghans of their rights and by the Government of its obligations	• UNAMA published five reports on the protection of civilians, implementation of the Law on the Elimination of Violence against Women, treatment of detainees in the custody of the Government, and facilitation of the Afghan People's Dialogue on Peace and related advocacy activities with various stakeholders and media to raise awareness of human rights concerns among the general public.
	• The Government/United Nations action plan for the prevention of underage recruitment, sexual violence and the killing and maiming of children was signed on 30 January 2011, and the inter-ministerial technical working group on children and armed conflict was established.
	• Three decrees to prevent underage recruitment and enhance related disciplinary measures within the Afghan national security forces were issued by the Ministries of the Interior and Defence.
	• Two decrees to raise awareness of the prohibition of child recruitment, torture and attacks on schools and hospitals in Islam were issued by the Ulema Shura (Council of Clerics).
Improved impact of, and support for, legal and policy measures to combat violence against women and girls	• A by-law regulating the operation of women's protection centres was approved. UN-Women is providing technical support to the Ministry of Women's Affairs, provincial offices and civil society organizations in operationalization of the regulations; it also conducted training for directors of women's affairs from 24 provinces.
	• The Law on the Elimination of Violence against Women has been underused by prosecutors. Cases of violence against women are often mediated by local traditional

Indicators of progress	*Metrics*
	dispute resolution mechanisms in violation of the law. (See UNAMA's 2011 report on the Law on the Elimination of Violence against Women.)
	• The UN-Women country office continued to administer the Special Fund for the Elimination of Violence Against Women. Seven of the 17 women's protection centres in Afghanistan are funded from the Special Fund. Total funds disbursed for shelters in 2011 amounted to $742,246.
Improved awareness of, and support for, legal and policy measures related to combating impunity and furthering transitional justice	• The Afghanistan Independent Human Rights Commission finalized its conflict-mapping report on human rights violations in Afghanistan from 1978 to 2001.
	• The action plan for peace, reconciliation and justice has not been revised, despite being a Kabul Conference commitment.
	• Civil society organizations and the Afghanistan Independent Human Rights Commission, with support from UNAMA, conducted the Afghan's People's Dialogue on Peace, soliciting views from more than 1,500 local Afghans on peace, security, transition, the rule of law and impunity.
	• The majority of provincial peace councils are reported not to include fair representation of civil society, women and victims' groups.
	• The joint secretariat of the Afghanistan Peace and Reintegration Programme adopted the standard operating procedures on vetting, but local peace committees are reported to promise amnesties to combatants if they join the Programme.
Government fulfilment of reporting requirements on international human rights covenants and conventions and implementation of the recommendations from the Human Rights Council universal periodic review of Afghanistan	• The Committee on the Rights of the Child considered the initial report of Afghanistan on its implementation of the Convention on the Rights of the Child.
	• UN-Women supported the Government in preparing and submitting its initial periodic report to the Committee on the Elimination of Discrimination against Women for consideration in 2012.
	• With technical support from UNAMA, the Human Rights Support Unit of the Ministry of Justice developed an action plan to implement the 2009 recommendations of the Human Rights Council universal periodic review of Afghanistan.

Indicators of progress	*Metrics*
Increased capacity and commitment of the Government of Afghanistan and the Afghanistan Independent Human Rights Commission, as the Afghan national human rights institution, to respect, protect, fulfil and promote human rights	• The Human Rights Support Unit at the Ministry of Justice became fully functional. It reviewed Afghan legislation for its compliance with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. It also conducted gender assessments of all Government ministries. • The Joint Coordination Monitoring Board endorsed the national priority programmes on human rights and civic responsibilities. Its three-year implementation plan was developed. • Although the Government pledged to provide $1 million to the Afghanistan Independent Human Rights Commission, the final 2011/2012 budget submitted to the Parliament allocated only half the pledged amount and failed to regularize the Commission's legal status within the overall budget framework. • The Afghanistan Independent Human Rights Commission conducted a self-assessment of its organizational and operational capacity to enhance future capacity development. • The National Directorate of Security established a Human Rights Unit to investigate allegations of detainee abuse and torture.

V. Economic and social development

Benchmark: Government policies supported by the international community that promote sustainable economic growth and contribute to overall stability

Indicators of progress	*Metrics*
National priority programmes are designed and implemented with international support and endorsement	• A total of 11 of the 22 national priority programmes, have been endorsed by the Joint Coordination Monitoring Board. • The Government's 100-day reporting system was tested throughout the year, informing donors about progress made with respect to the national priority programmes action plans. • The Afghanistan Reconstruction Trust Fund received funding from donors after the approval of the International Monetary Fund programme, which includes on-budget support to the national priority programmes.

Indicators of progress	*Metrics*
	• UN-Women is supporting the Ministry of Rehabilitation and Rural Development in developing a national strategy on women's economic security and rights; it also organized a workshop for senior Ministry staff on gender and economic empowerment.
More equitable distribution of development assistance and Government expenditure throughout Afghanistan	• A provincial budgeting pilot was launched in 2010 to incorporate needs assessed at the provincial level into the national budget. Each province may receive up to $2.5 million in the upcoming 2012/2013 budget.
	• The Ministry of Finance undertook an independent review of the public finance management capacity in 14 ministries to examine options for improved budget implementation.
Increased revenue collection and sustainable growth based on Afghan resources	• Domestic revenue collection exceeded its 2011/2012 target by 11.8 per cent in the past 12 months. Tax revenues exceeded the previous year but fell behind the target. Custom duties exceeded those collected in 2010/2011, both actual and target. Non-tax revenues were higher than at the same time in 2010/2011 and higher than target, essentially due to the first receipts from the Aynak copper mine. Preliminary data suggest that growth in 2012 will be lower than in the previous year (8.4 per cent, but still strong).
	• The Extractive Industries Transparency Initiative multi-stakeholder group met eight times in 2011, and an independent audit company was selected by the Government of Afghanistan to validate the regular compliance reports.
	• Civil society groups are members of the Extractive Industries Transparency Initiative multi-stakeholder group, and the draft Access to Information Law includes provisions on public access to mining data.

VI. Regional cooperation

Benchmark: sustained and effective regional coordination in support of prosperity, peace and stability

Indicators of progress	*Metrics*
Improved coordination of regional bodies and increased regional investments	• The regional cooperation working group established by the International Contact Group met on 3 June 2011, reaffirming commitment to Afghanistan's stability and economic prosperity.

Indicators of progress	*Metrics*
	• The Istanbul Conference for Afghanistan: Security and Cooperation in the Heart of Asia was held on 2 November 2011, following which the Deputy Minister for Foreign Affairs of Afghanistan circulated a concept paper with 12 confidence-building measures (43 measures were presented at the Istanbul Conference) to deepen regional cooperation.
	• On 12 June 2011, the Afghanistan-Pakistan Transit Trade Agreement was made operational.
	• Tripartite meetings among Afghanistan, Pakistan and the United States of America resumed on 3 May 2011, but were suspended again following the murder of Burhanuddin Rabbani.
	• Afghanistan and India signed a partnership agreement covering political and security cooperation; trade and economic cooperation; capacity development and education; and social, cultural and civil society relations.
	• The Russian Federation committed $500 million for the Central Asia-South Asia Electricity Trade and Transmission Project at the 10th meeting of the Council of the Heads of Government of the Shanghai Cooperation Organization.
	• At its meeting in January 2012, the Afghanistan-Pakistan Joint Economic Commission agreed to set forth a time-bound road map of steps to enhance cooperation on energy transfer and road links among Central Asia, Afghanistan and Pakistan.
	• At a summit in Tehran in June 2011, the Presidents of Afghanistan, the Islamic Republic of Iran and Pakistan signed a declaration on strengthening joint counter-narcotic and counter-terrorism efforts and on expanding political, security, economic and cultural cooperation.
	• In January 2012, Afghanistan and the Islamic Republic of Iran signed a memorandum of understanding to increase cooperation in the customs, banking and insurance sectors, and anti-smuggling measures.
	• In September 2011, Afghanistan and Kazakhstan signed an agreement on expanding trade between the two countries.
	• The Afghanistan-Tajikistan "energy bridge" — an electric transmission line connecting the Sangtuda hydroelectric power plant in Tajikistan to Baghlan, Afghanistan — was inaugurated in October.

Indicators of progress	*Metrics*
	• Trilateral talks among Afghanistan Kyrgyzstan and Tajikistan were held in Dushanbe, Tajikistan, in January 2012 to organize counter-narcotics efforts, exchanging timely information and training professional specialists.

VII. Partnership between the Government of Afghanistan and the international community

Benchmark: coherent support by the international community for Afghan priorities within an Afghan-led coordination framework

Indicators of progress	*Metrics*
Increased percentage of aid aligned with the Afghanistan National Development Strategy and Government priorities	• The Government announced the adoption of the New Deal for Engagement in Fragile States, endorsed at the Fourth High-Level Forum on Aid Effectiveness, as its new framework for aid management. • The Government aid management policy is under revision, to improve alignment with the outcomes of the Bonn and Busan Conferences and with the current development context and aid environment. • The Development Cooperation Dialogue, an annual engagement between the Ministry of Finance and donors to discuss a financing envelope and agree on alignment with key priorities, is to begin in March 2012. Alignment with national priority programmes will be assessed.
Improved accountability of procurement and contracting on behalf of the Government and the international community	• Recommendations from the Working Group on Contracting of the Office of the National Security Council were submitted to the Office of the President.
Strengthening of the Joint Coordination Monitoring Board in support of the Kabul process and as a means of regular review of progress on Afghan priorities and mutual commitments	• The Joint Coordination Monitoring Board was reconfirmed as the key high-level coordination mechanism in Afghanistan after initiatives such as endorsement of the national priority programmes were agreed upon.

VIII. Counter-narcotics

Benchmark: sustained trend in the reduction of poppy cultivation, narcotics production and drug addiction

Indicators of progress	*Metrics*
Decrease in poppy cultivation, narcotics production and addiction rates	• Poppy cultivation in Afghanistan reached 131,000 hectares, 7 per cent higher than in 2010. Seventy-eight per cent of cultivation was concentrated in Daikundi, Helmand, Kandahar, Uruzgan and Zabul Provinces in the south, and 17 per cent in Badghis, Farah and Nimroz Provinces in the west. • The number of poppy-free provinces decreased from 20 in 2010 to 17 in 2011, as Baghlan, Faryab and Kapisa Provinces lost their poppy-free status. • Potential production in 2011 is expected to reach 5,800 tons, up 61 per cent from 3,600 tons produced in 2010. • Drug treatment provision increased marginally and more treatment options are available, including community-based outpatient and aftercare. • The Government's new drug demand reduction policy and HIV/AIDS prevention and care policy were completed to address increasing addiction rates and associated harm in the country.
Increase in effective interdiction and counter-trafficking efforts	• In 2011, counter-narcotics police officers conducted 1,807 operations, resulting in seizures of 52,839 kg of opium, 32,793 kg of heroin, 57,968 kg of hashish, 29,374 kg of morphine and 112,237 kg of precursor chemicals. A total of 963 suspects, including 7 foreign nationals, were arrested. • Under Operation TARCET III (Targeted Anti-Trafficking Regional Communication, Expertise and Training Initiative), Afghan authorities made the largest precursor seizures of all the countries in the region participating in the operation. This included 23,000 kg of acetic anhydride (three cases) which, in an important breakthrough, were seized at an international border crossing into Afghanistan, enabling the launching of backtracking investigations. The Islamic Republic of Iran and Tajikistan also reported seizures of acetic anhydride (1,330 kg and 404 kg respectively). An additional 19,000 kg of other chemicals were also seized during the operation.

Indicators of progress	*Metrics*
Increased in licit agriculture and related private capital investment in areas previously used for poppy cultivation	• The monitoring mechanism on counter-narcotics within the Joint Coordination Monitoring Board is being refined to measure the increase in licit agriculture and related private capital investment within the framework on national priority programmes.

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Security Council
Sixty-seventh year

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Elimination of racism, racial discrimination, xenophobia and related intolerance

Identical letters dated 27 February 2012 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to draw your attention to the letter dated 10 February 2012 from the Permanent Representative of the Republic of Armenia (S/2012/88) in connection with the briefing by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe (OSCE) to the Security Council on 9 February 2012. The curiousness of the letter is self-evident as the arguments contained therein are based on the total distortion of facts and documents and thus do not stand up to criticism.

Serious doubts arise as to the true intention behind the submission of the aforementioned letter. Thus, the day following the briefing by the Chairperson-in-Office of OSCE to the Security Council, the content of the letter, before having been made available to the States members of the Council and published in due course as its document, appeared first in Armenia's mass media outlets. Consequently, the implication here is that the Permanent Representative of Armenia, who addressed the letter to the President of the Security Council and requested its circulation as a document of the Security Council, in reality, was in a hurry to make as soon as possible excuses to his own public rather than to inform the Security Council and the broader international community about the position of his Government.

The emotional and logical imbalance of the letter is also evident. Suffice it to note at least the author's unconcealed annoyance at Azerbaijan's membership in the Security Council. However, while referring thrice in his letter to this new status of Azerbaijan, the Permanent Representative of Armenia passes over in silence the fact that his own Government preferred to step aside from competition with Azerbaijan

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and decided to withdraw its candidacy before the elections. In reality, that was a surprisingly wise decision, taking into consideration Armenia's apparent failure to meet one of the major requirements set forth in Article 23 of the Charter of the United Nations with respect to the membership of the Security Council, namely to contribute to the maintenance of international peace and security and to other purposes of the United Nations.

Furthermore, careful reading of the aforementioned letter of the Permanent Representative of Armenia reveals a number of misinterpretations and inconsistencies, usual for Armenia's propaganda.

Thus, the author of the letter distorts the title of the 2010 OSCE Astana Summit document, to which he refers (the original title is "Astana Commemorative Declaration towards a Security Community" and not "Astana Summit Declaration"). Besides, whereas the Heads of State and Government of the 56 participating States of OSCE declared in the Declaration that "increased efforts should be made to resolve existing conflicts in the OSCE area in a peaceful and negotiated manner, within agreed formats, fully respecting the norms and principles of international law enshrined in the United Nations Charter, as well as the Helsinki Final Act", the letter of the Permanent Representative of Armenia completely drops the reference to such important words as "fully respecting the norms and principles of international law enshrined in the United Nations Charter, as well as the Helsinki Final Act".

One might perceive such an editing of an agreed document as unintentional if, in reality, it were not a disturbing tendency. Among numerous facts in this regard, which the delegation of Azerbaijan is ready to share with interested Member States, suffice it to recall one of the earlier documents circulated at the request of the Permanent Representative of Armenia (A/63/781-S/2009/156), in which the title and content of the "Joint Declaration of the Republic of Armenia, the Republic of Azerbaijan and the Russian Federation" signed on 2 November 2008 by the Heads of three States, were distorted in a manner so characteristic of Armenia's propaganda (see the comments made in this regard by Azerbaijan in document A/64/475-S/2009/508, annex, paras. 9 and 10).

Furthermore, in his letter, the Permanent Representative of Armenia thanks the President of the Security Council for convening the annual briefing by the Chairperson-in-Office of OSCE, and also welcomes the latter's goals for 2012 and expresses readiness to work closely towards their realization. Then, having contradicted himself, the Armenian ambassador asks the curious question "what is the sense of the Azerbaijani attempt to open discussions on the Nagorno Karabakh issue in the Security Council?". It seems the Permanent Representative of Armenia has not paid sufficient attention to the content of the briefing and the statements by the members of the Security Council. Indeed, in his briefing, the Chairperson-in-Office of OSCE presented the main priorities to the attention of the Security Council, including the settlement of a number of conflicts that persist in the OSCE area, and, in this context, specifically referred to the Daghlyq Garabagh (Nagorno Karabakh) conflict. During the discussion following the briefing, the same conflict and its settlement process were mentioned also in the statements made by the representatives of France, Germany, South Africa, Togo (President of the Security Council for the month of February) and the United States of America, while some other members of the Security Council expressed their concern about the threat to security that protracted and unresolved conflicts in the OSCE area continue to

present. Accordingly, as in previous years on the same occasion, discussions on the Daghlyq Garabagh issue in the Security Council were opened by the Chairperson-in-Office of OSCE and supported by six members of the Security Council, including Azerbaijan.

Moreover, the Armenian side must be aware that, in its resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), the Security Council not only referred to and supported the OSCE-led conflict settlement process, but also endorsed the continuing efforts by the Minsk Group of the Conference on Security and Cooperation in Europe (CSCE), including efforts to implement those resolutions. In addition, in the latest of those resolutions (884 (1993)) the Council requested "that the Secretary-General, the Chairman-in-Office of CSCE and the Chairman of the Minsk Conference continue to report to the Council on the progress of the Minsk process and on all aspects of the situation on the ground, in particular on the implementation of its relevant resolutions, and on present and future cooperation between CSCE and the United Nations in this regard".

The Permanent Representative of Armenia further groundlessly blames Azerbaijan for allegedly misinforming the members of the Security Council about the work and conclusions of the OSCE 2005 fact-finding and 2010 field assessment missions to the occupied territories of Azerbaijan. In this regard, it should be recalled that those missions visited the occupied territories on the initiative put forward by Azerbaijan within the United Nations and that Armenia, as the occupying Power, is the only addressee of the call of the Co-Chairs of the OSCE Minsk Group to refrain from actions that would change the demographic, social or cultural character of the occupied territories of Azerbaijan (such as further settlement, the erection of monuments and the changing of place names) (see A/59/747-S/2005/187, A/64/760-S/2010/211, A/65/801-S/2011/208).

It is notable that the letter from the Permanent Representative of Armenia was addressed to the President of the Security Council, which in the series of four resolutions mentioned above unambiguously condemned the use of force to occupy the territory of Azerbaijan and demanded immediate, full and unconditional withdrawal of the Armenian occupying forces from all the occupied territories of Azerbaijan. Despite attempts by the Armenian side to misinterpret the object and purpose of those resolutions, the terminology contained therein and the position of the United Nations are self-explanatory. Thus, as far back as 1994, the Secretary-General of the United Nations made it clear that "the position of the United Nations is based on four principles which have been mentioned in the different resolutions of the Security Council. The first principle is the territorial integrity of Azerbaijan. The second principle is the inviolability of the international boundaries; the third principle is the inadmissibility of the use of force for the acquisition of territory; and the fourth principle is the immediate and unconditional withdrawal of all foreign troops from occupied territories of Azerbaijan". It is obvious that Armenia is not a detached onlooker in this situation. Numerous facts leave no doubt that it is Armenia which is the occupier of the territories of Azerbaijan and that this Member State's behaviour entails its responsibility under international law.

Armenia pretends to be preoccupied with Azerbaijan's military budget increase and alleged warmongering and ceasefire violations. At the same time, it is well known that the annual defence spending of Azerbaijan remains in line with overall budget increases; that Azerbaijan continues to spend a much smaller percentage of

its gross domestic product on the army than Armenia; and that the size of the armed forces of Azerbaijan is proportional to its population, territory and length of borders and remains less than Armenia's. It is worthwhile mentioning in this regard that President Serj Sargsyan of Armenia stated, during his visit to NATO headquarters in 2010, that "[t]he Armenian army has types of ammunition that countries 10 times the size of Armenia would dream of having" (see press point with the NATO Secretary General and the President of Armenia, http://www.nato.int/cps/en/natolive/opinions_63920.htm). These words are self-explanatory. The Armenian side also omits to clarify that the arms control mechanism is not effective in the occupied territories of Azerbaijan and that Armenia deploys, beyond international control, a great number of armaments and ammunition in these territories.

In its unconvincing attempts to draw the international community's attention away from the main problems by claiming that Azerbaijan has allegedly rejected the proposal on the withdrawing of snipers from the front line, the Armenian propaganda falls into its usual forgetfulness. Otherwise, the Permanent Representative of Armenia would recollect his Government's non-compliance with the relevant resolutions of the Security Council and the General Assembly, which, inter alia, demanded immediate, complete and unconditional withdrawal of all Armenian forces from all the occupied territories of Azerbaijan, as well as with numerous documents and decisions of other international organizations calling for an end to the occupation of Azerbaijani lands.

Moreover, as we have repeatedly reported, deliberate attacks by the armed forces of Armenia against Azerbaijani civilians and civilian objects have become more frequent and violent in recent times, resulting in the killing and maiming of many inhabitants residing near the front line. It is also notable that, on a number of occasions, sniper attacks on Azerbaijani civilians and other provocative actions coincided with the intensification of peace efforts.

In reality, attempts by the Armenian side to misinterpret the norms and principles of international law and its insistence on unrealistic annexationist claims, which Azerbaijan will never accept, speak to the real intentions of the leadership of Armenia and represent an open challenge to the conflict settlement process and a serious threat to international and regional peace and security. In this context, the Republic of Azerbaijan is confident that the approaches of the international community, which are based on strict compliance with the Charter of the United Nations and international law, will never be in line with the approaches of Armenia unless the latter ceases its destructive policy of annexation and ethnic cleansing, renounces attempts to undermine the peace process and ensures that the occupation of the territories of Azerbaijan is ended and that the inalienable right of Azerbaijani internally displaced persons to return to their places of origin is recognized and implemented.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 35, 39 and 67, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

United Nations A/66/730

General Assembly

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Sixty-sixth session
Agenda item 121
Revitalization of the work of the General Assembly

Revitalization of the work of the General Assembly

Report of the Secretary-General

1. By its resolution 65/315, the General Assembly decided to establish, at its sixty-sixth session, an ad hoc working group on the revitalization of the work of the General Assembly, open to all Member States:

(a) To identify further ways to enhance the role, authority, effectiveness and efficiency of the Assembly, inter alia, by building on previous resolutions and evaluating the status of their implementation;

(b) To submit a report thereon to the Assembly at its sixty-sixth session.

2. In the same resolution, the General Assembly also decided that the Ad Hoc Working Group should continue its review of the inventory of General Assembly resolutions on revitalization, based on the updated annex to the report of the Ad Hoc Working Group submitted at the sixty-third session (A/63/959), and requested the Secretary-General to submit an update on the provisions of the Assembly resolutions on revitalization addressed to the Secretariat for implementation that had not yet been implemented, with an indication of the constraints and reasons behind any lack of implementation, for further consideration by the Ad Hoc Working Group at the sixty-sixth session.

3. The present update report is submitted pursuant to that resolution.

12-25277 (E) 080312

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Annex

Updated inventory/chart of General Assembly resolutions on revitalization[a]

The updated chart is subject to the comments and conditions indicated in the explanatory note to the original version contained in annex I to document A/62/952/Add.1.

Cluster I: working methods, documentation, agenda, etc.

No.	*Resolution*	*Text of the provision*	*Implementing entity*	*Comments in A/62/952/Add.1*	*Update*
A.	**General provisions related to the rules of procedure of the General Assembly**				
2.	60/286, annex, para. 24	Requests the Office of Legal Affairs of the Secretariat to make precedents and past practice available in the public domain with respect to rules and practices of the intergovernmental bodies of the Organization	Secretary-General/ Office of Legal Affairs	One-time action. The Office of Legal Affairs has concluded the process of compiling precedents and past practice with respect to the rules and practices of the intergovernmental bodies of the Organization. That information will be made available in the public domain shortly (A/62/608)	Implemented. See: http://untreaty.un.org/ola/publications_2.aspx
G.	**Provisions related to documentation: consolidation of reports**				
18.	58/316, annex, para. 6 (c) *Also in*: 57/300, para. 20	To take the necessary action to initiate the implementation of provisions of paragraph 20 of resolution 57/300, in which the General Assembly requested the Secretary-General to start, on a trial basis, a consultative process with the President of the General Assembly and the Chairs of the Main Committees of the Assembly at the end of the main part of each session of the Assembly, with a view to consolidating reports on related subjects, if decided by the Main Committees	Secretary-General/ President of the General Assembly/ Member States	Consultations have not been held, as there is no applicable decision by the Main Committees	See comments column

[a] Based on the chart prepared at the sixty-third session, as contained in document A/63/959.

Cluster III: role and authority of the General Assembly

No	*Resolution*	*Text of the provision*	*Implementing entity*	*Comments in A/62/952/Add.1*	*Update*
II. Provisions related to public relations activities					
23.	60/286, annex, para. 16	Encourages the Presidents of the General Assembly to increase their public visibility, including through enhanced contacts with representatives of the media and civil society, thus promoting the activities of the Assembly, and encourages the Secretary-General to continue the practice of providing to the Office of the President of the General Assembly a Spokesperson for the President of the Assembly and an assistant to the Spokesperson	President of the General Assembly/ Secretary-General	Ongoing provision. Since the sixtieth session, for example, the Presidents of the General Assembly, together with the Chairs of the Main Committees, have periodically briefed representatives of civil society on the programme of work of the Assembly at its current sessions (A/61/483, p. 20, and A/62/608, p. 15). No assistant to the Spokesperson for the President of the General Assembly has been provided since January 2008	Department of Public Information has organized periodic press conferences by the President of the General Assembly, both to enhance contact with the media and to increase the visibility of the Assembly and its work. Further, the Department for General Assembly and Conference Management has facilitated the organization of interactive hearings with representatives of civil society before major conferences, summits and other high-level meetings, as mandated, for the same purposes. The Department for General Assembly and Conference Management has also organized informal plenary meetings of the General Assembly to hear periodic briefings by the President of the General Assembly and the Secretary-General. The Department for General Assembly and Conference Management regularly briefs the media on the General Assembly's elections and programme of work. In addition, the Secretary-General has been reporting to the Assembly, through the Committee on

No.	*Resolution*	*Text of the provision*	*Implementing entity*	*Comments in A/62/952/Add.1*	*Update*
					Information, on steps taken to increase the visibility of the Assembly and its work, as mandated. While the status of implementation regarding the assistant to the Spokesperson remains unchanged, the Department of Public Information continues to provide the Office of the President of the General Assembly with a Spokesperson, from within existing resources, as well as other support and services

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Agenda item 109
Measures to eliminate international terrorism

Security Council
Sixty-seventh year

Letter dated 2 March 2012 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the information of the Republic of Belarus on the contribution of Belarus to the strengthening of global nuclear security (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 109, and of the Security Council.

(*Signed*) Andrei **Dapkiunas**

12-25371 (E) 070312 070312

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Annex to the letter dated 2 March 2012 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

[Original: Russian]

The contribution of Belarus to strengthening global nuclear security

Nuclear terrorism is one of the most serious and pernicious threats facing the world today, representing a challenge that requires a coordinated international response in order to prevent nuclear material from falling into the hands of terrorists.

Belarus is a responsible and consistent partner in efforts to counter nuclear terrorism and to maintain the security of nuclear material. It actively participates in all relevant international mechanisms, and rigorously fulfils all of its international obligations.

Belarus is a party to all major international agreements and instruments aimed at countering nuclear terrorism. In 1993, Belarus completed the process of succession to the Convention on the Physical Protection of Nuclear Material, and in 2007 it ratified the United Nations International Convention for the Suppression of Acts of Nuclear Terrorism.

Belarus supported the adoption of United Nations Security Council resolution 1540 (2004) on countering the proliferation of weapons of mass destruction, and in 2004 and 2005 it submitted reports to the Council on measures adopted at the national level towards that end. Currently, Belarus, with the assistance of the Security Council Committee established pursuant to resolution 1540 (2004) and the Organization for Security and Cooperation in Europe (OSCE), is establishing a framework or "road map" for the further implementation of the resolution.

Since 2009, Belarus has participated in the Global Initiative to Combat Nuclear Terrorism (GICNT), which aims to develop the infrastructure needed to account for and ensure the physical protection of nuclear and radioactive material, to enhance the capacity to detect and investigate instances of nuclear smuggling, and to increase the protection of civilian nuclear sites.

As a country which possesses a significant amount of nuclear material, Belarus devotes considerable attention to the realization of concrete and practical steps to ensure nuclear security at the national level. Belarus was the first country in the world to voluntarily give up the nuclear weapons located on its territory, and it acceded to the Nuclear Non-Proliferation Treaty as a non-nuclear State. In accordance with its obligations under that Treaty, Belarus concluded a safeguards agreement with the International Atomic Energy Agency (IAEA). All nuclear material located in Belarus is covered by those IAEA safeguards.

In 2000 and 2009, Belarus hosted IAEA advisory missions relating to physical protection, and it has fully implemented their recommendations. It has worked with IAEA to formulate and implement a 2011-2013 interregional plan for the physical protection of nuclear material. Technical assistance projects aimed at strengthening the physical safety of nuclear material located in the country are likewise being implemented.

Having made significant contributions to the strengthening of international security as a whole, and to countering the threat of international nuclear terrorism in particular, Belarus welcomes the efforts and initiatives of other States in this sphere.

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Security Council

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General Assembly
Sixty-sixth session
Agenda item 36
The situation in the Middle East

Security Council
Sixty-seventh year

Letter dated 4 March 2012 from the Permanent Representative of China to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith remarks made by a leading official of the Ministry of Foreign Affairs of China to further elaborate on China's position on the political resolution of the Syrian issue (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly at its sixty-sixth session under agenda item 36, and as a document of the Security Council.

(*Signed*) **Li** Baodong
Ambassador
Permanent Representative
of the People's Republic of China to the United Nations

12-25377 (E) 080312

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Annex to the letter dated 4 March 2012 from the Permanent Representative of China to the United Nations addressed to the Secretary-General

[Original: Chinese and English]

A leading official of the Ministry of Foreign Affairs makes remarks to further elaborate on China's position on the political resolution of the Syrian issue

China follows closely the developments of the situation in Syria, firmly maintains that the current crisis should be resolved through political dialogue in a peaceful and appropriate manner, and has made unremitting efforts to this end.

It is deeply worrying that the situation in Syria remains grave. Violent clashes are continuing, political dialogue still cannot start, and the prospects of a peaceful settlement to the crisis are still dim. China is a responsible country and a friend of the Arab people, including the Syrian people. China adheres to the purposes and principles of the Charter of the United Nations and the basic norms governing international relations. China is committed to upholding the independence, the sovereignty, the unity and the territorial integrity of Syria, peace and stability in the Middle East, and peace and tranquillity of the whole world. In order to realize a political settlement of the Syrian issue at an early date, China advocates and appeals for the following:

1. The Syrian Government and all parties concerned should immediately, fully and unconditionally cease all acts of violence, particularly violence against innocent civilians. Various factions in Syria should express political aspirations through non-violent means.

2. The Syrian Government and various factions should bear in mind the long-term and fundamental interests of their country and people, immediately launch an inclusive political dialogue with no preconditions attached or outcome predetermined through impartial mediation of the Joint Special Envoy of the United Nations and the Arab League, agree on a comprehensive and detailed road map and timetable for reform through consultation and implement them as soon as possible with a view to restoring national stability and public order.

3. China supports the leading role of the United Nations in coordinating humanitarian relief efforts. China maintains that, under the precondition of respecting Syria's sovereignty, the United Nations or an impartial body acceptable to all parties should make an objective and comprehensive assessment of the humanitarian situation in Syria, and ensure the delivery and the distribution of humanitarian aid. China is ready to provide humanitarian assistance to the Syrian people. We oppose anyone interfering in Syria's internal affairs under the pretext of "humanitarian" issues.

4. Relevant parties of the international community should earnestly respect the independence, the sovereignty, the unity and the territorial integrity of Syria and the right of the Syrian people to independently choose their political system and development path, create conditions and provide necessary and constructive assistance for the various political factions of Syria to launch dialogue, and respect

the outcome of dialogue. China does not approve of armed interference or pushing for "regime change" in Syria, and believes that use or threat of sanctions does not help to resolve this issue appropriately.

5. China welcomes the appointment of the Joint Special Envoy on the Syrian crisis by the United Nations and the Arab League and supports him in playing a constructive role in bringing about the political resolution of the crisis. China supports the active efforts made by the Arab states and the Arab League to promote a political solution to the crisis.

6. Members of the Security Council should strictly abide by the purposes and principles of the Charter of the United Nations and the basic norms governing international relations. As a permanent member of the Security Council, China is ready to earnestly fulfil its responsibilities and to engage in even-handed, patient and full consultation with other parties on the political solution to the Syrian crisis in an effort to safeguard the unity of the Security Council.